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ABSTRACT

This study finds that the New York City version of school-based decision making, School-Based Management/Shared Decision Making (SBM/SDM), fails to bring school-based management or shared decision making to the schools. This report begins by describing the seriously dysfunctional structure of the New York City public schools and explains the enormous potential of school-based decision making for solving some of the structural problems. Why New York SBM/SDM has been such a failure is analyzed, and some other school-based decision models, from Dade County (Florida) and Chicago (Illinois) are described. In New York, SBM/SDM has turned out to be a cautious, politically correct, insider's version of school restructuring, with only weak teacher involvement and token parental involvement. The school-based management component has not delegated any authority from the community school boards of the central bureaucracy, as the experiences of specific schools illustrate. Parents in New York have the choice of working to reform SBM/SDM or working for its reform as well as the implementation of the Regents' New Compact for Learning and the regulation that mandates a plan for school governance at every school in the state. An appendix contains six documents related to the SBM/SDM effort and school reform. (SLD)

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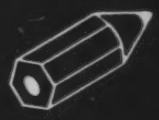
# The 'Rules' Still Rule



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## *The Failure of School-Based Management/ Shared Decision-Making (SBM/SDM) in the New York City Public School System*

**A Study by**
**Parents Coalition for Education in NYC**
John Fager, Project Director and Co-Chair
June, 1993

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## II. EXECUTIVE SUMMARY

### INTRODUCTION

Parents know that schools successfully educate our children when the schools are collaborative communities that include us. We also know that schools work for our children when the people at each school--not a distant bureaucracy--are empowered to make the critical decisions about education. Yet, most of New York City's public schools exclude parents and most are disenfranchised outposts of a distant central bureaucracy. Genuine school-based decision-making, that includes parents as full partners, would create and empower the school community. This Parents Coalition study finds that the New York City version of school-based decision-making, School-Based Management/Shared Decision-Making (SBM/SDM), systematically fails to do either.

The need for genuine restructuring is great; the devastation that the dysfunctional school system produces is widespread. Over 500,000 of the one million children currently attending New York City public schools will either drop out (27.5%) or graduate with diplomas that have no meaning in today's economy. This failure rate is devastating to the children and families who suffer it and, moreover, threatens the future of this city.

There are those who blame the victims and their families and/or the lack of sufficient resources for this massive failure. But report after report over the past twenty-five years has blamed the bureaucratic structure of the NYC school system and the absence of connections between the home, school, and community.

In 1989, State Education Commissioner Thomas Sobol's Reorganization Plan concluded,

> the present structure of the New York City School District is a major barrier to the youth achieving educational success.

The Temporary State Commission on New York City School Governance (the Marchi Commission), in 1991, issued similar findings. It concluded,

> the failures of the current system are closely tied to a lack of real accountability and the absence of a truly decentralized system. (P. 1)

By the late 1980's there was a broad consensus that the systemic failures had to be addressed. The widespread conclusion was not that the 1969 Decentralization Law went too far, but that it did not go far enough in decentralizing and in restructuring the system. School-based decision-making, modeled on corporate and industrial restructuring that diminished bureaucratic control and empowered those at the work site, was being tried in school systems like Chicago and Miami/Dade County and offered hope for New York.

In the summer of 1989 the Board of Education hired Joseph Fernandez to be the new Schools Chancellor because he had gained a national reputation for introducing School-Based Management/Shared Decision-Making (SBM/SDM), his version of school-based decision-making, into the Miami/Dade County School system. (Throughout this report school-based decision-making will be used as a generic term to describe collaborative, school-site empowerment and the term SBM/SDM will refer to the New York City version of it.) The Board was hopeful that school-based decision-making would be the answer to the systemic gridlock and school/family alienation that had enveloped not just New York City and Miami but many other large, bureaucratic school systems.

Unfortunately, after a year of study, the Parents Coalition For Education concludes that the tremendous potential of school-based decision-making has not been incorporated into SBM/SDM. SBM/SDM fails to achieve either of its two major goals; it brings neither school-based management nor shared decision-making, particularly as it relates to parents, to the schools.

The goals of this report, by parents and intended for

parents and others interested in improving the public schools, are to 1) describe the serious dysfunctional structure of the New York City public school system; 2) explain the enormous potential of school-based decision-making for solving some of the structural problems; 3) document and analyze why SBM/SDM has been such a failure; and 4) briefly describe and analyze other school-based decision-making models in Miami/Dade County and Chicago and lessons they contain for New York.

A final goal is to introduce to parents the NYS Regents New Compact For Learning and Regulation 100.11 which mandates that every school district in New York State must have a plan by February 1, 1994, for the introduction of school governance councils in every school in the state.

## THE DYSFUNCTIONAL STRUCTURE OF THE NYC SCHOOL SYSTEM

The symptoms of failure are all too familiar to anyone who spends time in and around the schools: too many unlicensed, poorly trained and burned-out teachers, principals who are neither selected nor held accountable by the school community, custodians charging exorbitant fees for the community to use school buildings for after-school programs, no school-level control over budget, too many children not prepared to begin school, children unnecessarily designated for special education, and a 27.5% drop-out rate. All of these problems are part of a system that is dominated by fear, alienation and discouragement.

These are the symptoms, the underlying cause of the problem is the structure of the school system. It is: 1) bureaucratic and dysfunctional to its core and ties the hands of those at the school site responsible for educating the children, 2) holds no one accountable for school failure, and 3) rejects parents trying to be essential partners in their children's education.

Decision making in the schools reveals the dysfunctional system at its worst. Critical decisions about how to run schools

are, too often, made by bureaucrats in the central bureaucracy and in the community school district offices, and, even more significantly, by the myriad "rules" that govern the system. "Rules" include Chancellor's regulations, collective bargaining agreements, Regents' regulations, state and federal law and court decisions. .

Rule by "rules" may sound benign, but its pernicious impact was described in the 1967 report of the Mayor's Advisory Panel on Decentralization of the New York City Schools (The Bundy Report).

> We find that the school system is heavily encumbered with constraints and limitations which are the result of efforts by one group to assert a negative and self-serving power against someone else... as they operate today these constraints bid fair to strangle the system in its own checks and balances. (P. 1, transmittal letter)

And strangle they do. The children are the main victims, but many well-intentioned school staff members are also undermined.

And little has changed in the intervening 25 years. Decentralization shifted some decision making from the central bureaucracy to the community school districts, but the basic roles and relationships, and many of the powers and rules of the central board remain. And new rules were added after decentralization.

Also, decentralization created an even more complex system with different levels having different and sometimes overlapping responsibilities. The 1991 report of the Marchi Commission concluded,

> A major flaw in the current system is the ability of one layer of the bureaucracy to blame another, making public scrutiny of the system virtually impossible. (P. 1)

Parents scrutinize the schools on a regular basis, which is one reason we are kept at a distance. Even though every study of

parent involvement has definitely documented the crucial role that parents play in the education of their children, the New York City school system continues to reject most efforts by parents to involve themselves in the schools beyond the fund-raising bake sales.

The enormous gap between family and school has a dire impact on education, as has been noted by Dr. James Comer, the Maurice Falk Professor of Child Psychiatry at the Yale Child Study Center, who had run a 12-year intervention project to improve two inner-city schools in New Haven, Conn; by the Marchi Commission; and by the NYS Regents in their policy statement "Parent Partnerships: Linking Families, Communities, and Schools."

> We would make no progress until we had reduced the destructive interaction among parents, teachers and administrators and given cohesiveness and direction to the schools' management and teaching. (Comer, "Educating Poor Minority Children," Scientific American, Nov. 1988, P. 46)

> The current system, however, can be characterized by an unhealthy lack of trust and far too much animosity and antagonism. (Marchi P. 5)

> Obstacles often prevent the establishment of effective partnerships. Many parents feel that they are not welcomed as partners in the education of their children. (Regents, P. 3)

Parents know they need to play a greater role in their children's education. Anyone who has children knows what a time consuming and demanding, though necessary, job it is to be a partner in the education of your child. Schools either ignore this, or fail to provide the means to strengthen the workings of the parent/school partnership. Clearly, the two five-minute parent/teacher conferences the New York City school system presently provides, is only the minimal beginning of an on-going partnership.

The dysfunctional system also wastes too much time and

resources on people outside of the classroom. It has lost sight of its fundamental mission, supporting productive interaction between the child and the teacher in the classroom, which is what successful schooling is all about. It doesn't know how to change how we put together adults, children and resources in the classroom.

Instead, the school system's response to school failure adds to the bureaucratic quagmire. Well meaning administrators create new programs, each with its own separate funding stream that needs to be monitored and that requires massive amounts of paper work. New specialists and supervisors are hired, and new rules are added to the thicket of existing "rules" that dominate the schools.

And then there is the daunting size and complexity of the school system: almost 1 million children, from over 140 different ethnic groups, attend the schools; 32 semi-autonomous community school districts average 21,357 students (compared to the other 716 school districts in the state that have an average of 2,323 students); over 115,000 staff members; and a budget of over $7 billion. We agree with Sobol's 1989 reorganization report's conclusion, though we find it to be understated, "the system's vast size complicates effective governance." We believe that New York City's school districts should be smaller and autonomous, like those in the rest of the state that do a better job of educating their children.

Given the size and structure of the school system and the many rules that make it inflexible, individual schools are left with no control over critical issues like budgets, personnel, curriculum and scheduling. And schools can not hold accountable anyone for his/her inability or unwillingness to do the job.

For example, a school cannot adjust its own budget to shift spending from one area to another to meet the needs of children. The budget is set mostly by the central board and partly by the community school boards, and they control it.

"Rules" dictate the hiring of personnel, and it's

practically impossible to fire anyone. Naomi Hill, the former principal of the nationally recognized P.S. 87 in Manhattan says principals feel like they're working with their hands tied: "We're not given any authority to make the decisions that really matter, such as hiring and firing. Unfortunately, the central bureaucracy tries to hold us accountable by requiring massive amounts of paper work...rather than by the quality of what goes on in our classrooms."

Three examples of what Principal Hill means reveal a great deal about the tyranny of the "rules" and how they are at the heart of the dysfunctional structure of the school system. When Hill became Principal of PS 87 in the early 80's, she tried to dismiss one incompetent teacher. She found the rules for firing teachers, particularly State Law 3020-a, time consuming and stacked in favor of the teacher. In essence, the rules for firing teachers protect teachers from being fired.

Hill was also hindered in the hiring of new teachers. As Hill attracted more students to the school in the early 80's she also hired some new teachers. But while this was going on she was also forced to accept senior teachers, no matter how incompetent or ill-suited to the school's educational philosophy, who could transfer to P.S. 87 at will without even a visit or interview.

Parent leaders complained that some of the transfer teachers were barely competent, didn't agree with the educational philosophy of the school, and, in one case, was very troubled and could neither handle nor be trusted with a full-time class.

And then there was P.S. 87's custodian. Parents complained that he paid his wife over $25,000 a year as his do-little secretary and collected $9,000 from the Parents Association for allowing it to use the school for its after-school program and yet provided no extra services.

The school's cafeteria was cited by the Health Department in the mid-80's for its filthy condition. The floor was scrubbed only once a week, per union contract, and by Thursday or Friday

it was so dirty it violated the city health code.

Hill asked the custodian to have his men scrub the floor every day. The custodian refused to do so. In fact, he prohibited his men from scrubbing the floor more than the once a week mandated by the contract, even though his men were willing to do it.

These "rules", and the school system is filled with them, affect every school; the defeatism and alienation they produce among staff and parents, are at the heart of the challenge to school-based decision-making. The challenge facing the New York school system is similar to that confronting many other large bureaucratic institutions like IBM, General Motors and even the former Soviet Union (until it was dismantled.) Cars are manufactured on the floor of a factory, not in some corporate office in Detroit, just as children are educated in the schools and not in some office at 110 Livingston Street. And just as each work station and each assembly line faces a different set of problems, each classroom and, most certainly each school, faces a unique challenge. This is especially true of NYC's 1 million school children from many different backgrounds in 1,000 different schools.

One set of "rules" and one mammoth system can't possibly respond to the diversity within the schools. The hierarchical and authoritarian structure defeats those who educate the children in the schools because it cannot adjust easily, if at all, to the multiplicity of group or individual needs in our schools. This is especially tragic for children from families under stress, who are at greatest risk in the existing school structure.

This must and can change. If industry executives can empower workers and managers on the factory floor, then surely we can put teachers, principals and parents (and students in high schools) in charge of their schools.

It will take enormous outside pressure to get the school system to make fundamental change. While the market has sent a

powerful message to IBM and General Motors telling them to "change or perish," the message to educational bureaucrats is, "change or the children will continue to perish." Neither their jobs nor their survival is at stake.

SBM/SDM'S POTENTIAL

SBM/SDM is a restructuring initiative that has two crucial goals: 1) the creation of a school-site committee, made up of parents, teachers, administrators, and students in high schools, and 2) empowerment of the school committee to make the "critical decisions" about education in the school. School site committees are designed to create and foster a collaborative process that bridges the gap between the school and the home, and also the collaboration gap that often exists among the professionals at the school and to transfer decision making from the central bureaucracy and the community school boards.

The Board of Education succinctly stated the twin goals in its section in The Mayor's Management Report of February 1991(p. 407):

> The Chancellor's key strategy for increasing community involvement, SBM/SDM, provides the school community(teachers, administrators, parents, and students) with the opportunity to develop planning teams that make critical decisions concerning school budgets, curricula, personnel, and scheduling.

Central rules would have to be sharply reduced to fulfill this promise. Decision-making and other forms of power would have to be shifted from the central and community boards to the schools in order to give the people who can gauge children's needs the power, money, and authority to meet those needs. Effective implementation of SBM/SDM would minimize bureaucratic gridlock and introduce accountability.

A genuine school-based decision-making initiative would, also, facilitate a range of parent involvement: helping and

training parents to work with their children at home, encouraging and training (maybe even paying) parents to work in the classroom, and mandating that parents have a significant role in the decision-making of the school.

When SBM/SDM was introduced in NYC in 1990, parents, and some teachers and supervisors, looked forward to hiring the best staff available and assigning them on the basis of children's needs. We welcomed the opportunity to share in making budget decisions such as whether to hire a new supervisor or instead hire a guidance counselor or reading teacher. We looked forward to controlling the use of the school building, particularly for after-school programs.

We wanted to believe the many "rules" and bureaucratic attitudes that undermined the education of our children would be changed. Parents and some teachers hoped that the many rule-induced problems, cited in section B7 of this report, would disappear and that the people closest to the children, the people at the schools, would be empowered to make crucial education decisions.

In 1990, parents knew that such restructuring, if designed and implemented effectively, would represent a revolutionary bottom-up, inclusive and collaborative approach to education in a school system that has historically been run autocratically from the top-down, through rules and hierarchies, that excluded parents and teachers from decision-making. Schools would be empowered to focus on the needs of the children and reconnect, in new ways, the child, the adults, and the resources of the school.

The restructuring that SBM/SDM promised is supported by the New York State Regents and their New Compact For Learning. The Compact emphasizes the importance of parent and community involvement by citing an African proverb, "it takes the whole village to educate the child." SBM/SDM and the Compact recognize that schools are communities that should have a shared sense of vision and values and that the people in the school community should feel a sense of ownership of the school and commitment to

each other.

To be successful, SBM/SDM would also have to bridge the gap that sometimes exists between different parent groups. In some schools, parents of mainstream, bi-lingual, special ed., and chapter 1 students would need training and facilitators to understand each other's needs and work together. The Parents Associations and PTA's would have to be strengthened and the "Blue Book," PA's and the Schools, that guarantees parents rights would have to have a viable grievance procedure.

Taking extraordinary steps to facilitate parent involvement is well worth the effort. The educational literature is finally confirming the importance of the family/school partnership. The Good Common School (page 44), a comprehensive guide to elementary school restructuring, summarizes the findings of recent studies:

> Active parent participation in schools in a variety of roles over an extended period of time can significantly enhance children's attendance, self-esteem, academic achievement, school behavior, and attitudes and expectations toward school. (Brandt, 1989; Chan, 1987; Chavkin, 1989; Comer, 1984; Epstein, 1984a, 1984c; Greenberg, 1989; Haynes, Comer, and Hamilton-Lee, 1989; Henderson, 1981, 1987; Henderson, et al., 1986; Johnston and Slotnick, 1985; Leler, 1983; Lueder, 1989; Marockie and Jones, 1987; Rasinski and Fredericks, 1989; Tizard, Schofield, and Hewison, 1982; Wayson, 1984).

Everyone now seems to accept the fact, or pays lip service to it, that reconnecting the child's family to the school is critical to educational success and that encouraging and even mandating different types of parent involvement is essential. Or so we were led to believe by the central bureaucracy.

## NYC's SBM/SDM IS A DEEPLY FLAWED VERSION OF SCHOOL-BASED DECISION- MAKING

In early 1990, at the start of Schools Chancellor Joseph Fernandez' administration, both he and the central Board of Education seemed to realize how important restructuring the

system was to achieving the mission of educating the city's children.

Special Circular No. 41, 1989-90 (see appendix), released in March 1990, authorized individual schools to create SBM/SDM committees. It called for voluntary participation by schools in which teachers, supervisors, parents and students in high schools wanted to work together to manage the school. Typically, committees of from 12 to 15 people were organized with each constituency electing its own representatives.

But bitter disappointment also came with the promulgation of Special Circular No. 41. SBM/SDM turned out to be a cautious, politically correct, insider's version of school restructuring and it is unlikely to improve student achievement. The gap between the promise of school-based decision-making and the reality of SBM/SDM was as wide as the gap between 110 Livingston Street and the classrooms in this city.

Shared Decision-Making (SDM), as defined in Special Circular No. 41, was a weak form of teacher decision-making, and parents were, as usual, granted only token involvement. The School-Based Management (SBM) part of the initiative was also an empty promise that delegated no authority from the central bureaucracy to the schools.

Page 3 of Special Circular No. 41, 1989-90(P. 3), spelled out the composition of SBM/SDM committees. In language that obfuscated the intent, it mandated: "The majority of team members must be non-supervisory pedagogues"; i.e. teacher and UFT paraprofessionals would have a majority. As for parents, it called for "meaningful parent representation," which is a term that parents have learned to mistrust, and with good reason. Special Circular No. 41 called for only one parent member of the school-based team. Although the Chancellor had promised that SBM/SDM would be the key strategy for parent involvement, nothing had changed. To make matters even worse, the composition formula was placed in the UFT contract, thus giving the union veto power

over any change.

For the past three years, since issuing Special Circular No. 41 in March 1990, the Chancellor's Office has ignored parent criticism of the distribution of power on the SBM/SDM committees. Though there was no public announcement of it, this position recently changed. The April 23, 1993, Public Employment Relations Board(PERB) Factfinding Report (P. 27, see appendix) between the Board of Education and the UFT, summarized the Board's new position:

> For School-Based Management/Shared Decision-Making to achieve its goal of empowering the local community, it is essential to remove the requirement that SBM/SDM Committees be compromised of majority of non-supervisory pedagogues.

As satisfying as this news was to those parent and community leaders who learned of it, the three-year struggle is not over. The UFT rejects the Board's position and, since the SBM/SDM committee composition formula is in its contract, the UFT has the power to maintain its domination of SBM/SDM to the detriment of, school-based decision-making and the education of our children.

> The UFT protests the effort to eliminate the majority of UFT represented employees on School-Based Management teams.

The promise of significant parent involvement has been squandered during the past three years. Visits to five schools' SBM/SDM committee meetings confirmed that parents play a minor role, at best, in SBM/SDM. At three schools there was one parent present at the SBM/SDM committee meeting attended, and at two schools there were no parents at the meetings we attended.

School-Based Management, the SBM part of SBM/SDM, is also a major disappointment: it did not delegate any authority from the community school boards or the central bureaucracy to the SBM/SDM committees to make "critical decisions," as had been promised. Contrary to what was promised, the committees have little or no power over personnel, budget, schedule and curriculum.

The fall 1992 parent-led student boycott at Eastern District

High School, an SBM/SDM school since 1990, reveals the emptiness of the SBM/SDM initiative. Parents were concerned about the size of 25 classes, the crowded cafeteria, the lack of sufficient guidance counselors--particularly Spanish speaking ones--and inadequate security. These concerns came to a head during the week of September 28th; parents worried that the problems had created a level of student frustration that might lead to violence.

The Parent Teacher Association leaders, Juanita Rodriguez and Maria De Leon, were actually in the school on the afternoon of Friday, October 2, 1992, to talk to the principal about security and overcrowding, when a student was stabbed and disturbances broke out in other parts of the building.

That weekend parents decided that the only way to get changes at Eastern District High School was to organize a student boycott. Local politicians, teachers also frustrated with the illegal class size, and community-based organizations rallied to the support of the boycott that began on Monday, October 5th.

The Board of Education and the administration of the school quickly agreed to the demands of the parent-led boycott committee. Classes were reprogrammed to alleviate overcrowding, and an extra lunch period was added to prevent the practice of jamming 500 students into the cafeteria. The boycott also won a commitment of two more bilingual counselors, improvements in security and a promise by the administration and the central Board of Education's High School Division to meet with parents, students, elected officials, and community-based organizations to review the operation of the school.

If SBM/SDM meant anything it should have been a vehicle for resolving many of Eastern District High School's problems of personnel, scheduling, and budget, the very "critical decisions" delineated in the Board of Education submission to the Mayor's Management Report cited earlier. But the SBM/SDM committee failed to play a role in resolving these problems. In fact, the ad hoc group, assembled by the parents, functioned more like an

authentic school-based decision-making body than the school's SBM/SDM committee.

Efforts to reform SBM/SDM and create a genuine school-based decision-making model in NYC should begin with an examination of the ad hoc committee at Eastern District High School that is now focusing on restructuring the school into four or five autonomous mini-schools. The group won this major concession, that could solve some of the fundamental problems of the present big impersonal high school even though as recently as December, the High School Division was saying that it couldn't be done.

The Eastern District High School parents achieved their goals because they were able to mobilize the broader community, mostly outside of the school, though there was teacher support for the effort. The school's SBM/SDM committee had failed to achieve the reforms. Eastern District's experience is an example of what studies that show school-based decision-making committees dominated by school insiders tend to be too cautious and protective of the status quo to bring about the fundamental transformation that is needed in most schools. (Malen, B.; Ogawa, R.T.; and Kranz, J., 1990, February. "Site-Based Management: Unfilled Promise. Evidence Says Site-Based Management Hindered by Many Factors." *The School Administer*, pp. 32-59.)

The experience of another school, P.S. 1 in Manhattan, also reveals the inadequacies of SBM/SDM. Its attempt to practice genuine school-based management (SBM), by requesting that four central "rules" be waived for the school (see appendix), was defeated by the central bureaucracy and the other central power, the teachers union.

This happened even though the potential of individual waivers had been explicitly recognized in Special Circular No. 35, 1990-91: "waivers will offer SBM/SDM schools increased flexibility in areas such as curriculum, implementation of central and district programs, school organization, school hours, and the deployment of staff."

P.S. 1's waiver request experience began in September 1991,

when the SBM/SDM committee requested four waivers, concerning deployment of staff, from the Board of Education and the UFT. Because P.S. 1's SBM/SDM committee, dominated by teachers excited by the potential of school-based decision-making, wanted waivers from the UFT contract, all four requests had to first win the approval of 75% of the school's UFT chapter, which they did.

The requests were made because the SBM/SDM committee and the vast majority of the teaching staff believed that the school needed greater control over who taught in the school and how teachers were assigned once they were at the school. These are matters normally controlled by central "rules," in this case the UFT contract. But these personnel issues--who gets hired, who is assigned where, and how people are held accountable--are "critical decisions" for any institution; the teachers believed the school community, participating in SBM/SDM, should be able to decide.

But the waiver requests were rejected by both the UFT and the Chancellor's Office. No matter that the waivers were supported by 75% of the PS 1 teachers; no matter that they would effect only one school; no matter that "critical decisions" about personnel were specifically delineated by the Board of Education as a major focus of SBM/SDM; and no matter that better "deployment of staff" was a goal of the Special Circular for waivers. The twin pillars of the centralized school system could not tolerate school-based decision-making that would compromise their central control. One teacher noted that at least the UFT had been polite in its rejection, whereas the central bureaucracy had been especially hostile. Once again, the gap between what SBM/SDM promised and what was actually delivered was enormous. Askia Davis, the Senior Assistant to the Chancellor for SBM/SDM, explained the reality, "waiver requests have not been a significant factor in SBM/SDM planning process."

If the experience of P.S. 1 is typical of what happens to schools that requested waivers, it is no wonder that waiver requests have not been a significant factor. The Parents

Coalition believes that the experience of the SBM/SDM committee at P.S. 1 indicates that the central bureaucracy is hostile to fundamental restructuring because it would mean giving up some of its power to the schools. It is clear that expecting the central bureaucracy to develop and implement a genuine restructuring plan was like asking the Kremlin and the Communist party to reconfigure the old Soviet Union.

## OTHER SCHOOL-BASED DECISION-MAKING MODELS & LESSONS FOR NYC

Public school advocates in Chicago created a coalition that designed a school-based decision-making model. It then held hearings and, ultimately, lobbied the Illinois state legislature to enact school-based decision-making in Chicago.

The legislature did so and created a very different model from the one created by the New York City central school bureaucracy and the teachers' union. Some real powers, most importantly the power to hire principals, were delegated to the school-based committees, called Local School Councils. Lifetime tenure for principals was abolished in the legislation, and the local school councils were empowered to hold principals accountable by granting four year renewable contracts.

In contrast, the New York City SBM/SDM committees play no role in selecting principals. Separate ad hoc school committees play a limited role in the selection. Community school boards and district superintendents continued to have most of the power. This crucial personnel decision was not delegated to the SBM/SDM committees and a much criticized, complex, multiple-level, school/community school board/central board principal selection process, was left in place.

Chicago also mandated significant shared decision-making, especially for parents and members of the community that the school is situated in. Every school, by law, has an 11-member Local School Council; six members are parents, two are teachers, one is a supervisor, and two are from community-based

organizations. Unlike New York City, this arrangement clearly represents a genuine effort to involve parents and bring in voices from the surrounding community of which the school is ostensibly a part.

The Chicago designers aimed to create equity between the school staff, and the parents. The assumption was that given their professional backgrounds and their fulltime positions in the school, teachers and principals tend to dominate schools. Therefore, to create equity between teachers and parents, it is necessary to give parents a majority of the seats.

It is too early to know whether the Chicago model will be successful. The Chicago school system also suffers from a serious lack of funding which may undermine any restructuring effort. And the central bureaucracy, though somewhat pared down, is still in place.

Miami/Dade County also adopted school-based decision-making. It initiated School Based Management/Shared Decision Making in 1987-88. It is not surprising that not only its name but also it's design is very similar to New York City's version. Joseph Fernandez collaborated with the teacher's union in both cities to create SBM/SDM.

The Miami/Dade County model, like New York City's, lacks meaningful delegation of power to the schools and lacks parent involvement in shared decision-making. The Dade County version has been the subject of a number of studies, which were mostly negative. One study, "Summative Evaluation Report, School-Based Management/Shared Decision-Making Project, 1987-88 Through 1989-90", conducted by the school system itself, found that after three years there had been no improvement in student achievement. In fact, achievement had declined across the school system including in the SBM/SDM schools. What was especially troubling about this report was its conclusion that since the main goal of involving teachers in decision making--namely "teacher empowerment"--had been achieved, SBM/SDM was a success. Such myopic thinking--a major "reform" initiative that doesn't aim to

improve student achievement--is all too common in restructuring initiatives dominated by staff organizations and bureaucrats.

A parent study, "Report on Survey, School-Based Management/ Shared Decision-Making, June, 1989", found that Miami/Dade County parents were only included in SBM/SDM in schools where there was a history of parent involvement. It also found that students continued to be alienated from the schools and that there was almost no student involvement.

A third study, by Citizens For Better Schools, "School Restructuring: Maintaining Dade's National Leadership Role," was released in November 1989. Despite its title, the report was highly critical of SBM/SDM and anticipated some of the negative findings of the school system's report:

> Dade's restructuring effort so far continues to bear signs of its origins as a program put together by a school bureaucracy in consultation with a teachers' union. So far, it is an 'insider's' reform plan...by itself, in the absence of further refinements, SBM/SDM will not result in substantial improvements in student academic achievements. (P. 87)

The report also found a failure to tackle the issue of teacher competence:

> Higher standards are also needed with regard to teachers. Today, a school could have a cluster of incompetents, with a high proportion of teachers with problems in their own basic skills and in teaching effectiveness, but nothing is done in most cases to see to it that they either improve or leave the profession. Even Joe Fernandez shied away from tackling the thorny problem of teacher competence and effectiveness. (P. 88)

CONCLUSION & RECOMMENDATIONS:

Genuine school-based decision-making has enormous potential to solve some of the most fundamental problems of the New York City schools. It represents a mechanism for reconnecting the schools to the families and communities they ostensibly serve, a

sine qua non for urban schools. It is also a mechanism for empowering the school community thereby ending the bureaucratic gridlock and lack of accountability that underlies the failure of the schools. However, New York City's version of it, SBM/SDM, is not designed nor implemented to accomplish either goal. Whether we dismantle the school system or reform the present centralized/decentralized system, nothing will matter unless the precepts of school-based decision-making are a part of the change.

Parents have a choice, we can work to reform SBM/SDM and/or we can work to implement the Regents New Compact For Learning and Regulation 100.11 that mandates that every school district must adopt a plan by February 1994 for the implementation of school governance councils at every school in the state. The Parents Coalition recommends that parents work both to reform SBM/SDM and to design an effective plan for Regulation 100.11 school governance councils.

We can't repeat the SBM/SDM experience where parents were left out of the design and implementation stages. The New Compact For Learning is not self-executing. Regulation 100.11 does not mandate how many seats parents will have on the councils nor what powers the councils will have. Each school community must respond to 100.11. In New York City, parents, the business community, rank-and-file teachers and other citizens concerned about the schools must create a school restructuring movement that will fight for genuine school-based decision-making.

The Parents Coalition recommends the following:

1) As Chicago did to achieve equality between parents and pedagogues, give an inclusive group of parents--representing mainstream, bi-lingual, special ed., and Chapter 1 children--a majority of the seats on the SBM/SDM committees and school governance councils. Do not expand SBM/SDM until this reform is enacted;

2) remove from the UFT contract the formula for the composition

of the SBM/SDM committees;

3) Provide training for parents, and students;

4) delegate authority from the central board and the community school boards to the SBM/SDM committees and school governance councils over personnel, budget, curricula and scheduling;

5) allow SBM/SDM teachers planning time during the school week;

6) request that Booz Allen Management Consultants and the National Center for Restructuring Education, Schools and Teaching at Teachers College evaluate SBM/SDM and the plan that emerges from the Regulation 100.11 process;

7) conduct a public education campaign about the potential of school-based decision-making and hold hearings and a public debate about the legitimacy of the present SBM/SDM model;

8) include information about the Regents New Compact For Learning and Regulation 100.11 in the public information campaign.

## III. FINDINGS

THE PROBLEM

> The school system is heavily encumbered with constraints and limitations which are the result of efforts by one group to assert a negative and self-serving power against someone else...these constraints (rules) bid fair to strangle the system in its own checks and balances.
>
> Bundy Report, 1967

> The present structure of the New York City School District is a major barrier to the youth residing in New York City achieving educational success.
>
> NYS Ed Dept, 1989(p. 12)

> The failures of the current system are closely tied to a lack of real accountability and the absence of a truly decentralized system.
>
> Marchi Commission, 1991(p. 1)

THE SOLUTION?

> School Based Management/Shared Decision Making(SBM/SDM) is the key strategy for reforming the New York City Public Schools.
>
> Chancellor's Budget Request 1992-93(p. 16)

## A. INTRODUCTION

We, the parents, know that every one of our children is capable of being educated. We also know that the New York City public school system fails to properly educate almost half of them. This is intolerable; failure must be replaced with success.

Parents know what is wrong with the schools because we regularly experience it. Directly, or through our children, parents interact with the schools on a daily basis. First and foremost, parents are often alienated from their children's schools; we are often discouraged, certainly not encouraged, from being involved in our children's education and from partnership with the school. This is true whether parents want to volunteer in the schools or be a part of the decision making.

Second, crucial decisions at the school are often dictated by rigid bureaucratic "rules", i.e. Board of Education regulations, collective bargaining agreements, Regents regulations, court mandates, state and federal laws. And finally, underlying this convoluted bureaucratic education system is a complete lack of accountability. The attitude seems to be that since no one has the authority or power to solve the problems in the schools, no one will be held accountable for the failure of the schools.

By the late 1980's there was widespread focusing on the need to address the problems of a dysfunctional school system. A page-one New York Times headline in March 1989 stated, "20 Years After

Decentralization, Restructuring of Schools Is Urged." The article went on to say that lawmakers, parents and educators are again urging that the school system be restructured.

Late that same year the New York City Board of Education selected Joseph Fernandez to be the new Schools Chancellor. Fernandez had been hired not only to manage the school system but to fundamentally reform it. As the Miami/Dade County Superintendent of Schools he had gained a national reputation for developing a school-based decision-making model that promised to end bureaucratic tyranny by creating and empowering each individual school community to make crucial decisions, connect parents to a new collaborative process at the school, and institute accountability. He called his version of school-based decision-making School-Based Management/Shared Decision-Making(SBM/SDM).

Those New York parents who learned about SBM/SDM were excited about its promise. Parents were particularly enthusiastic about the SDM or shared decision-making facet of SBM/SDM. Common sense and many studies have shown the essential role that parents play in the education of their children, both before they reach school age and while they're attending school. Parents intuitively agreed with the African proverb; "It takes the whole village to educate the child," which is quoted in the NYS Regents' "A New Compact For Learning." We wanted to believe that SBM/SDM would open the school doors to not only our involvement but our empowerment to work in partnership with the school. No longer would we, as outsiders, have to suffer the failure of the schools and of too many of our

children. We knew that our constructive involvement represented part of the solution to the widespread school failure.

During the last three years, as SBM/SDM was spread to over 200 New York City schools, there were grumblings that the initiative wasn't what it seemed. Parents and teachers asked questions: was it working, was it living up to its promise or was it the latest failed reform? To answer these questions the Parents Coalition for Education, a citywide parent organization, with the support of the Community Service Society, undertook this year long study of SBM/SDM.

We visited SBM/SDM schools in New York City and attended school committee meetings. We traveled to New Haven, Connecticut, and visited the Lincoln-Bassett elementary school, which is governed according to the school-based decision-making ideas of James Comer of Yale University. Also, on April 7, 1992, as a member of the Citywide Parent Leadership Group, we participated in a two-hour meeting with Chancellor Fernandez that had been preceded by numerous meetings and conversations with Askia Davis, the Senior Assistant to the Chancellor for SBM/SDM. We solicited evaluation reports from Miami about its experience with SBM/SDM. We contacted Design For Change the Chicago organization that helped develop and implement that city's model for school-based decision-making. This report is a result of that year-long effort.

The main purpose of this report is to evaluate SBM/SDM, the New York City version of school-based decision-making. But the report attempts to accomplish more. Many parents have yet to

receive information about the concept of school-based decision-making which, despite the problems with SBM/SDM, we believe is an exciting new response to the failures of the schools. We believe it has the potential to cut through the thicket of "rules" that undermine the schools, to end the isolation of parents, and to institute accountability. But many parents still don't understand what school-based decision-making is, much less its potential impact on their child's school. This report tries to remedy that.

We also tried to explain what is wrong with the school system. Many parents can tell you about the problems they experience at their school, but seldom do they receive a systematic analysis from a parent's point of view. Parents and children too often suffer the problems as isolated individuals, seldom does anyone put them in context.

Finally, the Chicago School System has implemented a truly exciting model of school-based decision-making. This report describes it and other alternative methods of restructuring school systems.

However, the main purpose of this report is to evaluate New York City's SBM/SDM initiative, which has been implemented in 280 schools. It is with disappointment and anger that we conclude, as this report documents, that SBM/SDM is failing to have any major impact on the schools' failure to educate our children. Once again the central bureaucracy, inertia, and special interests have undermined a promising reform initiative.

## B. STRUCTURAL PROBLEMS IN THE NYC SCHOOL SYSTEM

### 1. Structural Problems Cause School Failure

The student dropout rate in the New York City School System is an astounding 27.5%. This means that over 250,000 of the almost 1 million students presently attending the schools will eventually drop out. This is devastating for the students, for their families, and for the city as a whole.

And many of the students who do receive diplomas also suffer serious educational deficits. For example in 1991, 41% of the public high schools graduating classes entered the CUNY system. But 75% of the class in 1990 failed at least one of the CUNY skills assessment tests in reading, writing or math according to a recent report by City Comptroller Elizabeth Holtzman.

The Temporary State Commission on New York City School Governance (the so-called Marchi Commission) tied the failure to the dysfunctional nature of the school system. It issued a report in 1991 that concluded:

> the failures of the current system are closely tied to a lack of real accountability and the absence of a truly decentralized system. (p. 1)

Also, in 1989, the New York State Education Department issued a report about the need to reorganize the governance of the New York City school system. It concluded:

> the present structure of the New

> York City School District is a major barrier to the youth residing in New York City achieving educational success.

The structure is: 1) bureaucratic, dysfunctional, and still highly centralized, which means it ties the hands of those at the school-site responsible for educating the children, 2) unaccountable, i.e. no one is held accountable for school failure, and 3) alienating to both parents and teachers. It rejects parents trying to be essential partners in their children's education and rejects teachers who want more say in how schools are run.

Decision making in the schools reveals the dysfunctional system at its worst. Critical decisions in the running of schools are, too often, made by bureaucrats in the central office and those in the community school district offices, and, even more importantly, by the myriad "rules" that govern the system. "Rules" include Chancellor's regulations, collective bargaining agreements, Regents' regulations, state and federal laws and court decisions.

Rule by "rules" may sound benign but not the way it works in New York City. Its pernicious impact was described in the 1967 report of the Mayor's Advisory Panel on Decentralization of the New York City Schools (The Bundy Report).

> We find that the school system is heavily encumbered with constraints and limitations which are the result of efforts by one group to assert a negative and self-serving power against someone else... as they operate today these constraints bid fair to strangle the system in its own checks and balances. (P. 1, transmittal letter)

And strangle they do. The children are the main victims, but many well-intentioned school staff members are also undermined.

And little has changed in the intervening 25 years. Decentralization shifted some decision making from the central bureaucracy to the community school districts, but the basic roles and relationships, and many of the powers and rules of the central board were left in place. And new rules were added after decentralization.

Also, the bureaucratic system became even more complex after decentralization with different levels having different and sometimes overlapping responsibilities. The 1991 report of the Marchi Commission concluded:

> A major flaw in the current system is the ability of one layer of the bureaucracy to blame another, making public scrutiny of the system virtually impossible. (P. 1)

Parents scrutinize the schools on a regular basis, which is one reason we are kept at a distance. Even though all studies of parent involvement document the crucial role that parents play in the education of their children, the New York City school system continues to reject most efforts by parents to be involved in the schools, beyond the bake sale/fund raising level.

The enormous gap between family and school has a dire impact on education as has been noted by Dr. James Comer, Maurice Falk Professor of Child Psychiatry at the Yale Child Study Center, who had run a 12-year intervention project to improve two inner-city schools in New Haven, Conn; by the Marchi Commission; and by the NYS Regents in their policy statement "Parent Partnerships: Linking Families, Communities, and Schools."

We would make no progress until we had

> reduced the destructive interaction among parents, teachers and administrators and given cohesiveness and direction to the schools' management and teaching. (Comer, "Educating Poor Minority Children," Scientific American, Nov. 1988, P. 46)

> The current system, however, can be characterized by an unhealthy lack of trust and far too much animosity and antagonism. (Marchi, P.5)

> Obstacles often prevent the establishment of effective partnerships. Many parents feel that they are not welcomed as partners in the education of their children. (Regents, P. 3)

Parents know that they need to play a greater role in their children's education. Anyone who is raising or has raised children knows what a time consuming and demanding, though necessary, job it is to be a partner in the education of your child. Schools either ignore this, or, at best, fail to provide the means to strengthen the workings of the parent/school partnership. Clearly, the two five-minute parent/teacher conferences that the New York City school system presently provides, is an inadequate substitute for an on-going partnership.

The dysfunctional system also spends too much time and resources on people outside of the classroom. It has lost sight of its fundamental mission, supporting productive interaction between the child and the teacher in the classroom, which is what successful schooling is all about. It doesn't know how to change how we put together adults, children and resources in the classroom.

Instead, the school system's response to the crisis adds to the bureaucratic quagmire. Well meaning administrators create new

programs, each with its own separate funding stream that needs to be monitored and that requires massive amounts of paper work. New specialists and supervisors are hired, and new rules are added to the thicket of systemic "rules" that dominate the schools.

Given the many rules that make the school system inflexible and the system's size, individual schools are left with no control over critical decisions like budget, personnel, curriculum and scheduling. And schools can not hold accountable anyone for his/her inability or unwillingness to do the job. For example, if a school wanted to shift spending from one area to another to meet the needs of children, it can't adjust the budget that has been set mostly by the central board and partly by the community school boards.

But it is the "rules", and the system is filled with them, and the defeatism and alienation they produce among staff and parents, that are at the heart of the challenge to school-based decision-making. The challenge facing the New York school system is similar to that confronting many other large bureaucratic institutions like IBM, General Motors and even the former Soviet Union (until it was dismantled.) Cars are manufactured on the floor of a factory not in some corporate office in Detroit, just as children are educated in the schools and not in some office at 110 Livingston Street. And just as each work station and each assembly line faces a different set of problems, each classroom and, most certainly, each school faces a unique challenge. This is especially true of New York City's 1 million school children from 140 different ethnic

backgrounds in 1,000 different schools.

One set of "rules" and one mammoth system can't possibly respond to the diversity within the schools. Such a hierarchical and authoritarian structure defeats those educating the children in the schools because this structure cannot adjust easily, if at all, to the multiplicity of group or individual needs in our schools. This is especially true for children from families under stress; they are at greater risk in the existing school structure.

The day-to-day experience of parents with the schools leads us to this conclusion. Management, governance, structure, call it what you will, of the school system is at the heart of the failure. Only a fundamental restructuring of the system and the basic relationships among the participants, as described below, can begin to reverse this failure.

## 2. Examples of Rule Caused Problems: The "Rules" Rule

### a. Schools

Far from 110 Livingston Street one can see the adverse impact that the atrocious bureaucratic governance structure can have on an individual school. The system is experienced through its many "rules", i.e. collective bargaining agreements, Chancellor's regulations, State Regents' regulations, city, state and federal laws and court decisions. All 1000 schools are affected; one need only visit any of them to find the adverse impact on children. Below are some examples:

1. P.S. 87M--is a nationally recognized elementary school

located on the Upper West Side of Manhattan. Naomi Hill, the long-time principal until she retired in August 1991, built, over a ten-year period, a school of excellence. But she has described the systemic problems that stood in the way and made the job much more difficult.

Hill found most frustrating the sense that hers and other principals' "hands are tied." She said that principals are held accountable yet are not given the authority to make the decisions that really matter, such as hiring and firing.

She described the many "rules" that tied her hands. Top of the list was a state law, 3020-a, that undermined her ability to rid the school of an incompetent teacher. School boards throughout the state have criticized 3020-a.

One problem with the grievance procedure for bringing charges against a teacher or principal is the deck is stacked in favor of the teacher. The teacher and the union together pick one of three mediators and because they have a veto over a second mediator, they dominate the process. After one time-consuming but, nevertheless, unsuccessful attempt to remove a teacher, Hill stopped trying. The teacher that she brought up on charges remains at P.S. 87 today.

As for hiring the best teachers for the school, the UFT contract interfered with Hill's ability to do so. The contract permits so-called seniority or "UFT transfers." Senior teachers can transfer into a school, where there is an opening, without even an interview. Principal Hill and P.S. 87 were forced to accept such teachers every year without any input from the school

community. Parent leaders (including the author of this report who was PA President at P.S. 87 in the early 80's) complained to the central bureaucracy that some of the teacher were barely competent, others didn't share the philosophy of the school, and one transfer teacher was a very troubled person who was an embarrassment to the rest of the staff and a concern to parents. The central bureaucracy responded that rules are rules, even though parents believed that the "rules" represented teachers' interest but not the students'.

Another source of frustration was the custodian and his ability to control the use of the school building and his unresponsiveness to principal Hill. One incident stands out in her efforts to hold the custodian accountable. In 1983, P.S. 87 was cited by the City Health Department. An inspector had found that the cafeteria floor was so filthy that it violated the city health code.

Hill asked the custodian to have his men scrub the floor more frequently. The custodian responded that the custodial contract required that the cafeteria floor be scrubbed only once per week and that's all that he intended to have his men do. 1000 children continued to eat, at least once a week if not more frequently, in a cafeteria that violated the city health code. This persisted until he was promoted to a bigger school where he could make more money.

Hill and parents were also angered that the same custodian could charge exorbitant building-use fees to the parent-run after-

school program, even though he provided no extra services. He earned an extra $5,650 in salary and collected another $9,000 for his budget. He used some of this money to pay his wife over $25,000 as his do-little secretary.

2. P.S. 90Q--During the 1990-91 school year this school participated in the SBM/SDM initiative. Nevertheless, it was adversely effected by two difficult problems created and compounded by central rules and regulations.

During the school year P.S. 90 had three different principals. In December 1990 the tenured principal, Kenneth Grover, left to become the acting principal of a nearby junior high school. During the remainder of the school year there were two acting principals. The last one joined the school with a month to go in the school year and did not know by the time school ended whether she would be back in the fall of '91.

The acting principals were not selected by the SBM/SDM committee because under the Decentralization Law the Community School District Superintendent has the power to appoint acting principals. Unlike in Chicago, SBM/SDM committees do not have the authority to pick the principal, acting or permanent.

Another central "rule," a provision of the Council of Supervisors and Administrators (CSA) contract, compounded the school's lack of control over the selection of the principal. In New York City, and apparently only in New York City, principals are not only granted tenure but they are granted "building tenure." Under this provision a principal, even one who voluntarily accepts

another assignment as an acting principal, can maintain his/her "building tenure" until he/she receives a new permanent position.

That meant that P.S. 90Q could not even begin the process of finding a permanent principal until the previous principal had a permanent job somewhere else. For principals who move to another school this is ideal. He/she can try out the new school and wait for a permanent appointment or return to the old school.

However, for the students, teachers, the rest of the staff, and parents nothing can be worse than having three principals in one school year and then be denied the opportunity to pick a permanent replacement. At the time, P.S. 90Q was an SBM/SDM school, but according to Karen Gutwirth, former PTA president and former parent member of the SBM/SDM committee, the option of applying for a waiver to this "rule" was never even mentioned to the committee.

3. P.S. 1M--During the 1991-92 school year, teachers and the principal held in high esteem their School-Based Support Team (SBST). SBST, a three-member group that exists in most schools, works with special education students and to prevent special education placements by providing extra help through a "resource room," where children at risk of being placed in special education receive remediation in small group settings. The SBST also evaluates children in special ed. or who have been recommended for special ed.

The P.S. 1 staff in general and the SBM/SDM committee in particular were satisfied with the job that was being done by its

School Based Support Team(SBST). The P.S. 1 SBST team had two members who are Chinese bi-lingual, which makes sense since the school is 72% Chinese-American. However, the central board of education told the school that it was dismantling the team and that a new three-member team would be assigned to the school without any review by P.S. 1. The new team would not have any bi-lingual Chinese members since the number of special ed. referrals of Chinese-American children had declined below a certain level.

The SBM/SDM committee argued that the school should decide what kind of SBST team the school needed since it best knew the needs of the children. However, the central bureaucracy refused to listen. The school, being an SBM/SDM school, asked for help from Askia Davis, but even he was unable to change the decision. The "rules" won, school-based decision-making and the staff and children lost.

P.S. 1's SBM/SDM committee has also struggled with the sensitive but crucial issues of who teaches at the school and how those people are assigned within the school. There was general unhappiness with the "rules" that governed these decisions even though most were embedded in the teachers' contract. However, all four of P.S. 1's waiver requests were rejected by the central bureaucracy and the UFT. (See next section, D 1 b of this report.)

4. P.S. 145M--This school was racked by controversy this past school year because of the UFT contract's provisions about staff assignments. Classroom assignments do not go to the most qualified teacher but to the one with the most seniority.

The principal at P.S. 145 had assigned a teacher to teach a gifted-and-talented class based on the teacher's experience and training. But another teacher with more seniority wanted the class and filed a grievance when the principal, backed by the district superintendent, refused to change the assignment.

The grievance moved through the system and in October 1992, 110 Livingston Street, the bureaucracy headquarters, ordered that the most senior teacher be given the gifted class. The likely solution was that the two teachers would switch classes, but everyone knew that few things are more damaging to elementary school children than to have an abrupt change of teachers in the middle of the year.

The parents went to 110 Livingston Street to protest the decision. The enforcement of the order was delayed. The union objected. The rule-generated controversy was causing teachers at P.S. 145 to pick sides, and it became a very divisive issue for the school. Finally, on January 19, 1993, The New York Times printed a piece, "A Hard Lesson in Living With Seniority Rules."

In the case of P.S. 145, the rule or contract provision ultimately was not enforced. The dispute ended when the teacher who had filed the grievance left the school for a new assignment. He was replaced by a new and relatively inexperienced teacher. The gifted-and-talented children who got to keep their teacher won, but the children who had to adjust to a new teacher in mid-year and the school, as a whole, lost.

This lack of enforcement of a rule is atypical; seniority

rules usually rule. A spokesperson for the board explained to The Times, "Of the thousands of classroom assignments that are parceled out by seniority each year, about 150 result in the filing of union grievances, all but a handful of which are worked out informally before they reach the Chancellor's office."

(Clearly, once SBM/SDM committees gained the power to make staff assignments based on the needs of the children, they would need to develop rules and procedures, including an appeal mechanism, to govern such assignments.)

5. P.S. 76Q--Three years ago Joanne DeJesus, the president of the PTA, recommended to the principal that the school organize an open school night early in the year. She wanted parents to meet teachers in a positive context, learn about the curriculum for the coming year, and in general feel like a part of the school community and be part of their child's education.

The principal went to the teachers and won their agreement to participate. The night was held, the parent turnout was strong, and all felt that it had been a very successful endeavor.

The next year, the same PTA president went to the principal and asked that the open school night be repeated. The principal said that he would check with the teachers. The PTA president was subsequently told that the night would not be repeated. She was told that the UFT contract requires teachers to return to school only two nights during the year, usually for grade conferences with parents, and therefore the teachers would not participate again.

5. Edward R. Murrow High School--A teacher at this school was charged with 75 counts of incompetence and unsatisfactory performance after receiving an unsatisfactory (U) rating for two years running. As a result of a dismissal hearing under State Education Law 3020-a, the teacher was found guilty of 73 counts of incompetence and unsatisfactory performance. Nevertheless, the teacher was suspended for only one year and was then reassigned to teach at another high school.

The Public Education Association provided this example to show the complete lack of accountability in the public school system. The grievance procedure for disciplining and/or removing teachers is so cumbersome and ineffective that many principals no longer file charges. Of course, there is a similar lack of accountability for principals.

2 b. New Rule Caused Problems

The "rule" making never takes a break. Even when the school system is supposed to be living up to the spirit of SBM/SDM, New York's school-based decision-making initiative, the central bureaucracy and special interest groups keep spinning out rules and policies. The unions view most contract negotiations as opportunities to add new oppressive rules. Some new ones have great impact on the schools and show the need for shared decision-making during contract negotiations at the central bureaucracy. The needs of children and individual schools are seldom represented in these contracts and their rules.

1. A week long mid-winter vacation was created for 1991-92, repeated this past school year, and is embedded in the UFT contract. Scheduling, which is one of the specific "critical decisions" delegated to the SBM/SDM committees (see Mayor's Management Report), was nevertheless altered profoundly by this new central "rule" or policy.

This contract provision adversely affects schools, parents and the communities, and yet individual schools had no voice in its creation. The schools lost two teacher training days, which are a dire necessity. Also, previously the holidays were spread out over the school year and disrupted education less than grouping them into a week in mid-winter when students tend to be focused on education. Also, parents of young children have been forced to scramble for day care, and older students were left with a week off and nothing to do.

Whatever scheduling changes were made by SBM/SDM committees pale in comparison to this negative blockbuster. Parents were not consulted, i.e. there was no shared decision-making, and the negative impact on them and their children was great.

2. Sabbaticals Leading to Retirement. This new rule is also in the UFT contract. It allows retiring teachers to take a sabbatical prior to retiring. This is a waste of money and an abuse of sabbaticals, which should be used to revitalize and professionalize the staff. Professionalization is a primary goal of SBM/SDM, yet this new "rule" wastes resources that could be devoted to it. And once again there is no school-based management

nor shared decision-making on this issue. It was just imposed from above by the central authorities: the teachers' union and the central bureaucracy.

3. Composition of the SBM/SDM committees is controlled by the 1990-91 UFT contract. The "rule" that mandates a teacher/paraprofessional majority on the SBM/SDM committees is embedded in the contract and therefore any change is subject to a UFT veto.

Both provisions, the teacher majority and token parent involvement, and the veto over changing it, show contempt for parents and for the SBM/SDM goal of parent involvement and the creation of a collaborative school community. Once again, there was no shared decision-making with parents prior to the imposition of the "rule," which is especially problematic in this case because the issue goes to the heart of what SBM/SDM is all about. UFT empowerment, not shared decision-making, is the message of this rule.

After three years of defending this arrangement, the chancellor's office recently admitted that the imposition of this rule was a grave error. Its new position was summarized in a Public Employment Relations Board Factfinding Report of April 23, 1993. It said, "Position of the Board/City: for School-Based Management/Shared Decision-Making to achieve its goal of empowering the local school community, it is essential to remove the requirement that SBM/SDM Committees be comprised of majority of non-supervisory pedagogues." (See section D 2 for more details.)

4. Hiring Process for Paraprofessionals. Until 1990, community school districts had the authority to hire paraprofessionals. These employees are often members of the local community and under genuine school-based decision-making should be hired by the school SBM/SDM committees. Head Start programs use such positions to hire parents and other community people. These are crucial jobs for reconnecting the schools with the parents and community.

Instead, the central bureaucracy and the UFT agreed to a new rule whereby paraprofessionals would be hired on a citywide seniority basis from the pool of substitute paraprofessionals. Instead of seizing the opportunity to allow the SBM/SDM schools to hire local people, including parents, which could help bridge the gap between the schools and the community, the bureaucracy chose to move in the opposite direction toward more central control. Once again, this act, this new rule, violates the spirit of school-based decision-making. And, once again, the board and the city, in the current contract negotiations, are seeking to undo the damage. And, once again, the UFT is resisting.

## 3. The System's Size And Complexity Contribute to School Failure

Bigness, whether one talks about class size, school size, community school district size or central school district size, is the enemy of education in New York City. Any attempt to change how

the schools and the school system function must first come to terms with the size and complexity of the present system. The human relationships, governance and accountability problems of the New York City Public Schools system are most definitely compounded by the school system's extraordinary size and complexity.

According to the 1992-93 Chancellor's Budget Request there are 956,000 students, 66,000 teachers, over 55,000 other staff, 991 school buildings and an annual budget of $7.2 billion. Moreover, the students come from 140 different ethnic groups, many with specialized language needs.

Effectively managing this huge system (there are those who believe that the present system is unmanageable) and ending the massive school failure have been the great challenges for educators and the New York community for, at least, the past twenty-five years.

In 1970 the state legislature attempted to break the system into more manageable parts when it passed the Decentralization Law. The law created 32 semi-autonomous community school districts within the framework of one large district. But even these districts still have enormous student populations when compared to the rest of the state.

The student populations now run from 10,140 students in District #1 in Manhattan to 36,524 students in District #10 in the Bronx. The centrally run high school division has 273,913 students and the centrally run part of the special education system has 14,794.

The size of the semi-autonomous community school districts in New York City are still way above the state average. The average number of students in the 32 community school districts is 21,357 whereas the average student population in the 716 school districts in the rest of New York State is 2,323(NYSED).

So the NYC school system is both one district with almost 1 million students and 32 large, semi-autonomous districts with overlapping lines of authority. The governance problems of this complex system are enormous. The 1989 NYS Department of Education's Report to the Regents on Governance Problems concluded that the "vast size" and "confused and overlapping layers of responsibility and authority" were at the heart of the governance problems.(see next section 3b)

Understanding the extraordinary size and complexity of our school system and the problems they engender is an important consideration in deciding how to restructure or whether to dismantle the school system. Given that the rest of the state does a better job of educating its children it is reasonable to assume that New York City would benefit from much smaller and autonomous school districts.

4. Past Studies of Governance Problems

The governance/structural problems of the NYC school system have been a topic of discussion, study and occasionally reform for at least 25 years. Some understanding of this history is essential

in evaluating the current initiative, SBM/SDM, to reform the school system.

What is striking is the persistence of the same problems over a 25 year period. Central rules that strangle the schools, bureaucratic inflexibility, schools dangerously separated from the communities they serve, lack of effective decentralization, size and complexity that weaken the ability to act, spiral of fear, suspicion, recrimination and tension, lack of accountability, are common themes that appear in reports released over a 25 year period, both before and after the partial decentralization of the school system in 1970.

The recommended solutions are also similar. Genuine decentralization, collaborative decision making, parent, community and teacher involvement, and accountability are constantly cited. We know what the problems are and we know what the solutions to the structural problems are, yet we have not been able to implement them.

4.a. The Bundy Report, 1967

In 1967 The Mayor's Advisory Panel on Decentralization of the New York City Schools(the Bundy Panel) issued a plan, "Reconnection for Learning; a Community School System for New York City," (the Bundy Plan). Prior to issuing its plan, the Panel had studied the school system and found that it was strangling from its own protective rules, bureaucratic inflexibility, caught in a spiral of fear and suspicion, lacked clearly understood and effective lines

of responsibility and lacked the essential partnership with parents.

> "the schools of New York have been dangerously separated from many of New York's communities. We do not think that the pupils in such schools can be aroused and led upward--or even kept in good order--if their parents are not offered the reality of responsible participation." (P.3 transmittal letter)

The Bundy Panel believed that parent, teacher and community control of a bottom-up school system was the solution to the massive education failure of the top-down system that excluded parents and community members from meaningful participation in the schools.

Ultimately, the state legislature passed the School Decentralization Law in 1970 that created the present centralized/decentralized system with central bureaucracy running the high schools, special education, school maintenance and custodians, supplies, food, transportation, hiring, licensing, labor relations and budget. The 32 Community Schools Districts administer the elementary and middle or junior high schools but still within the constraints of central rules, budget and union contracts.

There were many compromises struck during the passage of the Decentralization Law, some of which inflicted great damage. For instance the recommendation that parent-selected panels would have the power to pick six of the 11 community school board members was killed. Also, control over the high schools was left with the central bureaucracy and not transferred to the community school boards. Nevertheless, some districts were better off under

decentralization yet massive problems remained as can be seen from the findings of subsequent reports.

4.b. NYS Department of Education 1989 Report to the Regents on NYC School Governance Problems

After years of neglecting its responsibility for the New York City public schools, the State Department of Education(SED) and the New York State Board of Regents, under the leadership of Education Commissioner Thomas Sobol, in 1987, moved to address the massive failure in the city schools. From 1987 to 1989 SED studied the city system and moved to position itself to better address the problems more effectively.

On July 20, 1989, Sobol presented the Regents with a refined strategy for the New York City schools. Included in this was a description of the six major problem areas and desired short and long term outcomes. Heading the list of problems was governance. It is interesting to note that some of the conclusions are very similar to what the Bundy Panel found twenty-two years earlier. The Report stated:

"GOVERNANCE

Problem: The system's vast size complicates effective governance; and

The existing governance structure is fraught with confused and overlapping layers of responsibility and authority, such that accountability is almost absent; and

Parents, staff and members of the community are insufficiently involved in the operation of the

system."(p. 1)

Sobol sent a follow-up memo to the Regents on September 8, 1989, on the governance problem, that again emphasized its seriousness.

> "The staff of SED has carefully reviewed the operation of the New York City schools. Despite being impressed with the skill, intelligence and dedication of the staff of the district at all levels, it is apparent that the present structure of the New York City School District is a major barrier to the youth residing in New York City achieving educational success."(appendix A, p.14)

It noted the lack of effective operation and the absence of reasonable accountability. It concluded, "Either problem taken singularly is substantial, but when presented in combination, such as in the case of New York City, the results are devastating."

The other five problems addressed were: 2) Timely and Effective Use and Distribution of Resources 3) Facilities 4) Qualified Staff(supply, distribution and professional development 5) Instruction and 6) Community. We note that governance problems compound all of these problems.

4 c. The Temporary State Commission on New York City School Governance(Marchi Commission) 1991 Report, "Governing For Results: Decentralization With Accountability."

The State Education Department's findings, cited above, added to a growing urgency about confronting the serious governance problems. In response the Legislature and the Governor created, in

1989, the Temporary State Commission on New York City School Governance, the so-called Marchi Commission.

In 1991 the Commission's issued its findings about the governance problems; they mirrored those of the State Education Department and of the Bundy Panel. It found:

> "the failures of the current system are closely tied to a lack of real accountability and the absence of a truly decentralized system. A major flaw in the current system is the ability of one layer of the bureaucracy to blame another, making public scrutiny of the system virtually impossible."(p.1)

The Commission recommended reducing bureaucratization by moving more decision making to the schools and community school districts, and thus allowing laypeople to more closely direct and monitor public education.

The Commission put forward school-based decision-making as the solution:

> "The concept and practice of school-level governance, which is both a pedagogical and managerial(our emphasis) reform, is strongly endorsed."

Parents share this belief; SBM/SDM, to be effective, must be more than pedagogical change. To be effective it must shift major authority and decision making from the central board and community school boards to the individual schools and empower parents and teachers in the process. This is what the Chancellor said SBM/SDM is suppose to do.

The Marchi Commission also found attitudinal problems, similar to the Bundy Panel findings, that compound the governance problems.

> "The current system, however, can be characterized by an unhealthy lack of trust and far too much animosity and antagonism. Improvements in governance must strive to instill a higher level of trust and a sense of common goals throughout the system and simultaneously eliminate the needless animosity and antagonism among adults that affects the children's education." (P. 5)

Parents experience this distrust daily. We are made to feel that many schools would prefer that we drop our children at the school door at 8:30 and return for them at 3. When we question what is transpiring at a school, we are made to feel that parents should be parents and that the professionals will teach.

The SDM part of SBM/SDM is supposed to come to terms with this mistrust between necessary partners, parents and teachers. It must also bridge the gap that often exists between teachers and supervisors and sometimes even between teacher and teacher. The challenge of improving these relationships is almost as great as the challenge to change centralized bureaucratic ways of managing.

The Marchi Commission also made other findings, also similar to Bundy findings, including the crucial role that various "rules" play in the governance of a vast bureaucratic school system:

> "The current governance system is defined not only by the State Education Law, but also by a myriad of regulations, mandates, contracts, and operating procedures...An improved governance system may require changes in (these) to insure effectiveness, clarity, and consistency."(p.6-7)

> "A successful education system should encourage innovation and reward success within the rules, not outside of the rules. Rules need to have sufficient flexibility so that successful teachers, principals, and superintendents need not be rule breakers."(p.5)

> "The current governance system tries to achieve results by specifying considerable details that place significant constraints on decision making units. In effect, educators are told 'how' to do things from a distant governing authority, rather than 'what' needs to be achieved."(p.6)

4 d. The Former Chairman of the Chancellor's Task Force on Minimum Standards Findings

Edmund Gordon, retired Professor of Pediatric Psychology and Professor of Afro-American Studies at Yale University, in the 1980's, studied the city's schools as chairman of the Chancellor's Commission on Minimum Standards for the New York City Schools. Earlier in his career he had also written about the problems of African American students in the New York City public school system.

He found that one of the two most serious problems of the New York City school system was the gap between the schools and the children and families that utilized the schools. Instead of the necessary partnership he found a gulf.

Twenty years earlier, he had similarly found that too often what the schools are about and what the black community is about are quite different matters. When there is interaction between families and schools, they tend to be on the same track; but when there is distance, often parents and the schools are moving in different directions.

Gordon compared the attitudes of parents of second graders to those of high school students. "There's an almost steady decline in the expectation and the enthusiasm of these parents toward the

school because what they're doing, as their kids move along in school, is experience more and more failure and disappointment."

"Unfortunately, there is little reason under existing conditions of inner-city schools why such a child should be receptive toward learning. More likely than not he has come to school knowing that it is an institution in which his parents have failed and predicting that he himself will fail. While neither he nor his parents have much hope in the schools, both realize that a failure to succeed academically means an end to dreams of moving into the mainstream of society."
("Decentralization and Educational Reform," IRCD Bulletin, Vol IV, No. 5 and Vol V, No. 1 Nov. 1968-January 1969)

4.e. Findings of James Comer, of Yale University

James Comer, Professor of Child Psychiatry at the Yale University Medical School and a nationally recognized expert on school reform, supports Gordon's findings. He says that the failure to bridge the social and cultural gap between home and school, i.e. the lack of a school/home partnership, may lie at the root of the poor academic performance of many at-risk children.

In a November 1988 Scientific American article, "Educating Poor Minority Children", Comer described an all too familiar spiral of failure. He described children, unprepared for school, entering a very authoritarian and hierarchical structure. School staffs, often harboring low expectations, are unprepared to work with such

children and label the children as problems. Parents sense the rejection and lose hope and become less supportive of the school. "The result is a high degree of mutual distrust between home and school."

New York City public school parents regularly experience this mistrust and other barriers that prevent us from playing an active role in our children's education. And since so many of our children are failing we find it unacceptable that the school system has not worked to establish the necessary partnership with us.

## C. POTENTIAL OF SBM/SDM

Schools Chancellor Joseph Fernandez was hired, in part, to introduce SBM/SDM, his version of school-based decision-making, to the dysfunctional New York City public school system. With enthusiasm he extolled the importance of his restructuring initiative on page 1 of the chancellor's first Budget Request (1990-91):

> "We will take a proactive approach to improving education. The driving force will be School-Based Management/Shared Decision-Making--the flagship of our educational reform."

SBM/SDM, like all school-based decision-making, is a restructuring initiative that has two crucial goals: 1) empower the people at each school, not the central bureaucracy, to make the "critical decisions" about education in the school (SBM), and 2) create a school-site committee, with parents, teachers, supervisors, and students in high schools, that will create and foster a collaborative process that bridges the gap between the school and the home, and also the collaboration gap that often exists among the professionals at the school (SDM).

The Board of Education succinctly stated the twin goals in its section of The Mayor's Management Report of Feb, 1991 (p.407):

> "The Chancellor's key strategy for increasing community involvement, SBM/SDM, provides the school community (teachers, administrators, parents, and students) with the opportunity to develop planning teams that make critical decisions concerning school budgets, curricula, personnel, and scheduling."

If successfully designed and implemented, SBM/SDM would end both the exclusion of parents and teachers from decision-making and the lack of decision-making power at the school site.

To be effective SBM/SDM should also result in a reduction and redefinition of the functions of the central bureaucracy and the community school boards. Central rules would need to be sharply reduced. If successful, bureaucratic gridlock would be minimized and accountability would be introduced into the schools.

1. School-Based Management(SBM) Potential

On page one of the Chancellor's Budget Request(1990-91) it stated:

> "We intend to turn the school system on its head. In our planning, in our policy development, in our budget process, we will place front-line educators, the children and their families at the top of our agenda."

And the 1991-92 Chancellor's Budget Request stated:

> "SBM/SDM is not a new idea. It is the same principle of bottom-up management that has revitalized so many American industries in the last decade. This same shake-up is needed in American education today and is precisely what SBM/SDM is all about."

These were exciting words, in 1990, to parents and teachers who often felt ignored and powerless. And so parents and teachers, at least those who learned about SBM/SDM, embraced the words and vision of the new Chancellor. Parents looked forward to the opportunity to participate in making the "critical decisions" concerning budgets, curricula, personnel, and scheduling at their

children's schools.

Many parents, teachers, and supervisors also looked forward to hiring the best teachers and other staff people for each school. They welcomed the opportunity to make budget decisions such as whether to hire an additional supervisor or instead to hire two more guidance counselors. Whether a school's School Based Support Team should have a Chinese bi-lingual counselors(P.S. 1) would be decided by the school. And parents hoped to be able to hold accountable the staff at their children's schools.

In 1990 the possibilities seemed real and exciting. We wanted to believe that all the many bureaucratic "rules" and unprofessional attitudes, that undermined the education of our children, would be changed. Parents and teachers hoped that the many rule-induced problems, cited in section B 7 of this report, would disappear and that the people closest to the children, the people at the schools, would truly be empowered to make the crucial decisions. That was the promise of SBM.

In New York City, such restructuring would represent a revolutionary bottom-up, inclusive and collaborative approach to education. This in a school system that has historically been run in an autocratic manner, from the top-down, through rules and bureaucratic structures, that excluded parents and teachers from decision-making. If SBM/SDM was successfully designed and implemented schools would be empowered to focus on the needs of the children and reconnect, in new ways, the child, the adults and the resources of the school.

2. Shared Decision-Making(SDM) Potential

Chancellor Fernandez was just as forceful in extolling the benefits of the shared decision-making facet of SBM/SDM. As was noted earlier, he said that SBM/SDM would be the key strategy for increasing community involvement. Moreover, on page 3 of the Chancellor's Budget Request for 1991-92, it states:

> "By allowing parents, teachers and administrators to share in decision-making about the school, we allow professionals to feel ownership in these innovations, and we strengthen the bonds between school and home, a crucial link in children's ability to learn."

This was a vision that was completely in line with the thinking of parents and some teachers. The Shared Decision-Making part of SBM/SDM promised to bring together the necessary partners in the education of children: parents, teachers, administrators and students. It recognized that parents, like teachers, play a crucial role in the education of children.

SDM is a belated recognition of overwhelming findings about the benefits of parent involvement. The Good Common School (p. 44), a comprehensive guide to elementary school restructuring, stated what recent studies had found about the importance of parent involvement in the schools:

> "Active parent participation in schools in a variety of roles over an extended period of time can significantly enhance children's attendance, self-esteem, academic achievement, school behavior, and attitudes and expectations toward school." (Brandt, 1989; Chan, 1987; Chavkin, 1989; Comer, 1984; Epstein, 1984a, 1984c; greenberg, 1989; Haynes, Comer, and Hamilton-lee, 1989; henderson, 1981, 1987; henderson, et al., 1986; Johnston and Slotnick, 1985; Leler, 1983;

Lueder, 1989; Marockie and Jones, 1987; Rasinski and Fredericks, 1989; Tizard, Schofield, Hewison, 1982; Wayson, 1984).

But what, exactly, is parent involvement that everybody favors, or, at least, pays lip service to? Another study, "The Case For Parent and Community Involvement" (Empowering Teachers and Parents: School Restructuring Through the Eyes of Anthropologists. Greenwood Publishing Group) details five different types and levels of parent involvement.

1) Parents and schools maintain regular contact. This basic level of parent involvement is a necessary precondition for all the other types.

2) Parents help their children at home. This can include communicating high academic expectations to children, holding regular conversations with children, and encouraging children to complete homework.

3) Parents and community residents volunteer at school. Head Start has an admirable record in this type of parent involvement.

4) Community agencies provide education and social services.

5) Parent and community involvement in decision making. Parents must not have a token or advisory role but a significant one.

Yet, research (The Good Common School: A Comprehensive Guide to Elementary School Restructuring from the National Coalition of Advocates for Students, page 44, Ch.1) also shows that there are at least five types of barriers to increased parent involvement:

1) logistics of organizing family;

2) school/staff attitudes;

3) the cultural distance between school, staff, and families;

4) the organizational and legal structure of the schools;

5) inadequate pre-service and in-service preparation for working with parents.

To overcome all of the obstacles to genuine and multi-faceted parent involvement, SBM/SDM must mandate a significant level of parent involvement on the school committees. If it is left to the school staffs to decide the degree of parent involvement, parent involvement will remain just an unrealized goal in most schools.

In New York City, like most urban school systems, too many teachers and principals are only comfortable with fundraising or "bake sale" parent involvement. Such parents do provide a vital service to underfunded schools but it is a form of parent involvement, by itself, that is inadequate to today's needs. Too many teachers and administrators, even those who see the need for greater parent involvement, either don't make the effort to see it realized, are stymied by the lack of support for genuine parent involvement, or are hostile to parent involvement.

It is also important to note that any SDM model for parent involvement must be an inclusive one. I.e. too often where there is parent involvement, mainstream parents tend to dominate. Any model for parent involvement must guarantee that all parent constituencies at the school--special education, bi-lingual, Chapter 1, and different racial and ethnic groups--have representation.

As noted above there is a continuum of parent involvement and empowerment and school-based decision-making should encourage all

types. Training for parents and staff for these new and different roles is essential and must be provided if SDM is to work.

In theory, SBM/SDM, by involving and empowering parents and teachers, will bridge the gap between school and family, overcome the mistrust and animosity that too often exists not just between parents and staff but also amongst the staff. (These problems were described by Professors Gordon and Comer in B 6 of this report.)

If properly designed and implemented shared decision-making(SDM) should overcome the other barriers to parent involvement described above. In short, parents should not only feel welcomed in schools but they should feel a sense of ownership. No more "leave your children at the door and come back at 3." It is only by reconnecting the schools to the families and communities they serve that all children will become educated.

3. Challenges Facing SBM/SDM

The book, The Good Common School, on page 30, lists all of the challenges facing all school-based decision-making initiatives including SBM/SDM. These findings were based on a study by Malen, B.; Ogawa, R.T.; and Kranz, J. (1990, February). "Site-Based Management: Unfilled Promise. Evidence Says Site-Based Management Hindered by Many Factors." *The School Administer*, P. 32-59.

> *School have deeply ingrained norms and well-established unwritten rules. These norms dictate that district officials and administrators set policy, teachers deliver instruction, and parents provide support.

*Schools rarely provide full range of critical resources. School councils often lack time, technical assistance, training, independent sources of information, funding, etc.

*Site-based management plans are often ambiguous. It can be difficult to determine what decision-making authority the school participants have.

*Parents are reluctant to challenge professionals.

*Teachers do not exert meaningful influence. Most school-site councils include the school principal, who often controls the meeting.

*Council members tends to be homogeneous and fail to represent the school community's ethnic, racial, or cultural diversity.

*Autonomy is limited. The efforts of site councils are limited by state laws and regulations, existing contracts and district policies and priorities.

*Site-based management rarely results in major instructional reform.

*School policy remains largely untouched.

4. Standard for evaluating SBM/SDM.

In 1968 the New York State Regents adopted a statement on New York City school decentralization.

> "The central issue is how best to raise and maintain the level of educational achievement of all boys, and girls,...No plans for decentralization, no 'reconnection' of school and community, no new methods of distributing power or delegating authority for decision-making can have validity unless they help to achieve this central purpose."

It is still a valid standard; in fact it is the only standard. It's the bottom line in education and the one by which SBM/SDM should be judged. The Board of Education concurs, in the Chancellor's Budget Request For 1991-92 it states, "The primary goal of SBM/SDM is to improve student achievement."

## D. THE FAILURE OF NYC'S SBM/SDM INITIATIVE

The vision of SBM/SDM was exciting. Create a school-based committee of teachers, parents and supervisors (and students in high schools) who, in partnership, would make the "critical decisions" about educating the children.

But the gap between the announced vision of SBM/SDM and its reality is as great as the distance between 110 Livingston and the schools. The New York version of school-based decision-making, SBM/SDM, we find to be pallid and ineffectual. Far from turning the system on its head, as was promised, it leaves in place the many "rules" that drive the school system and tie the hands of those people at the school level trying to educate children. The Marchi Commission stated that school-based decision-making should be both a pedagogical and managerial reform. We found very little of the latter and therefore we conclude that SBM/SDM does not permit school-based management.

The Parents Coalition has also been saying for over three years that, as it concerns parents, there is no shared decision-making either. Few teachers and principals have been challenged to truly think anew about goals and relationships in the school and with the community, and new ways of working together. The established habits, mind sets and interest groups that dominate the schools continue in place basically unaffected by SBM/SDM. Shared decision-making, particularly as it relates to parents, is almost

nonexistent.

1.a SBM'S Lack of Systemic Delegation of Powers to the Schools

Special Circular No. 41, 1989-90 which authorized SBM/SDM, allowed schools, that wanted to participate, to create school committees with teacher, supervisor, parents, other staff and students in high schools as members. Typically an SBM/SDM committee has 12 to 15 members with each constituency electing its representatives.

Special Circular No. 41 stated that SBM/SDM schools will "redefine roles, relationships, and responsibilities; share in decision making; and experiment with a wide variety of curricula, instructional strategies, staff development models, and organizational approaches which will result in strengthening the quality of instruction." Unfortunately, we find that this language, in particular, and Special Circular No. 41, in general, failed to delegate any specific authority from the central board or community boards to the SBM/SDM, or school-based, committees.

We reach this conclusion by not only examining Special Circular No. 41, but also by comparing it to what was promised by the Board of Education in its report in the Mayor's Management Report of February, 1991 (see C 1). In it the Board of Education stated that "critical decisions" about personnel, budget, curricula and scheduling would be made by the SBM/SDM committees.

But Special Circular No. 41, 1989-90, fails to delegate any

power to make critical decisions in these areas. And our school visits also failed to uncover any schools making critical decisions in these areas. There is very little school-based decision-making going on at SBM/SDM schools other than the limited decisions that schools could always make.

Parents had hoped that the Chancellor's initial vision of SBM/SDM where the individual school, with parent participation, makes "critical decisions" that deeply effect their children's school would be the reality. Critical decisions over personnel would normally mean at least the ability to have a say in hiring, firing, and deploying staff in an educationally appropriate manner. This is in contrast to the present "rules," whereby central institutions and collective bargaining agreements control, to a great degree, the hiring, firing and deployment of staff. At SBM/SDM schools all of these decisions are still controlled largely by the central bureaucracy and its rules.

For example, hiring is controlled in part by ORPAL, the Office of Recruitment, Personnel Assessment and Licensing. ORPAL, much like the old Board of Examiners, still requires dual licensing of teachers and principals which unnecessarily limits the recruitment of talent into the system, and the pool of candidates for schools to consider. Parents don't see the need for dual licensing and believe that it restricts the flow of qualified teachers and principals to the schools.

Assignment to a school is also partly controlled by the UFT contract, specifically the ability of senior teachers to transfer

to a school without any interview or screening by the receiving school or any say by the sending school. Parents, principals and some teachers want the selection to be done by the school and not dictated by a central "rule" or bureau with no knowledge or responsibility for the welfare of the school. (See PS 87, sec B.4)

The hiring of the principal is still done by the community school board and even the first step of the C-30 hiring process, which takes place at the school, is not incorporated into SBM/SDM. The screening of principal candidates at the school is done by a separate ad hoc committee. Earlier in this report the example of PS 90 in Queens was cited as a school that would have been better off had it been able to hire a principal and not suffer through the instability of having three in one year.

And paraprofessionals, once hired by the community school district, as of 1990 are hired off citywide seniority lists which deprives the schools and districts of the power to hire local community people. Instead of moving a critical personnel decision to the SBM/SDM schools it was centralized.

In contrast, Chicago's school-based decision-making model gives control over hiring the principal to the school-based committee and significant authority to hire staff has been delegated to the principal. (See Sec E 2)

Firing in New York City schools is controlled by the UFT and CSA contracts and by state law 3020-a (see example in B7a for the problems). Parents and objective observers know that most teachers and principals have jobs for life regardless of their performance.

The Bundy Panel, Sobol's report and the Marchi Commission all found this systemic lack of accountability. Though the chancellor specifically stated that increased accountability would be a part of SBM/SDM, this has not happened. There has been no change in holding staff accountable other than a restricted ability by the central bureaucracy to transfer and retrain some principals.

Once again, Chicago, did it very differently. Principal tenure has been abolished and the school committees give four year performance contracts to principals, thus allowing the school community to hold the principal accountable. (See E.2)

Assignment of teachers within a school, another critical decision, is often controlled by seniority rules and other provisions of the UFT contract. This can lead to educationally inappropriate staffing that is damaging to children. (See PS 145, sec. B4a4) SBM/SDM does nothing to change this.

As for "critical decisions" about budget, little has changed. Most of the budget of a school is controlled by the central board and by the community school boards. Only in Chapter 1 schools that qualify under Schoolwide Projects(i.e. over 75% of the students are Chapter 1 eligible and the school has developed a plan for spending the funds) are there funds for which the central board has delegated control to the SBM/SDM committees. Ironically, it was the federal government's flexibility and rule relaxation, in creating Schoolwide Projects, that made this possible. And even this budgetary control is a small part of the total school budget, and only exists in Chapter 1/Schoolwide Projects schools.

Scheduling is also an important decision since it can determine whether there is enough time for staff planning and curriculum change. As we noted earlier, the scheduling change that had the biggest impact during last school year was the imposition, by the central authorities, of a new mid-winter vacation week, which led to the loss of two teacher training days.

One scheduling change that we did encounter in our visits was actually opposed by parents and at least one of the administrators nevertheless the change was authorized and imposed by another route (see High School of Graphic Communication Arts in next section on waivers). The manner in which this schedule change was granted actually seemed to undermine SBM/SDM.

Some important scheduling changes were made at Eastern District High School, an SBM/SDM school since 1990. But they were achieved by an ad hoc parent/community group, after a student boycott, and not by the SBM/SDM committee. The events at Eastern District High School are worth exploring as an example of the ineffectiveness of SBM/SDM.

In the fall of 1992 parents were concerned about the size of 25 classes, the crowded cafeteria, the lack of sufficient guidance counselors, particularly Spanish speaking ones, and inadequate security. These concerns came to a head during the week of September 28th; parents were worried that the problems had created a level of student frustration that might lead to violence.

Violence did erupt on October 2, and that weekend parents decided that the only way to get changes at the high school was to

organize a student boycott. Local politicians, teachers also frustrated with the illegal class size, and community based organizations rallied to the support of the boycott that began on Monday, October 5th.

The Board of Education and the administration of the school quickly agreed to the demands of the parent-led boycott committee. Classes were reprogrammed to alleviate overcrowding in more than 25 classes and an extra lunch period was added to prevent the practice of jamming 500 students into the cafeteria. The boycott also won a commitment of two more bilingual counselors, improvements in security and a promise by the administration and the central board's High School Division to meet with parents, students, elected officials, and community based organizations to review the operation of the school.

Now that's school-based decision-making, yet it was not achieved through the SBM/SDM committee but by an hoc parent-led group. If SBM/SDM was a genuine vehicle for school empowerment then it should have addressed and resolved many of these problems of personnel, scheduling, and budget. These are the very "critical decisions" promised to the SBM/SDM committees in the Board of Education's section in the Mayor's Management Report, cited above.

Efforts to reform SBM/SDM and create a genuine school-based decision-making model in NYC should begin with an examination of the ad hoc committee at Eastern District High School that is now focusing on restructuring the school into four or five autonomous mini-schools.

D.1.b. No Delegation of Power Through Waivers

Securing waivers from central rules and regulations by individual schools is another way for schools to gain control over their operations and be empowered to make critical decisions. Special Circular No. 35, 1990-91, sets out a procedure for obtaining relief from provisions of the UFT and CSA contracts and Board of Education regulations, memorandums, and Chancellor's circulars. It also describes the purpose of waivers: "Waivers will offer SBM/SDM schools increased flexibility in areas such as curriculum, implementation of central and district programs, school organization, school hours, and the deployment of staff."

However, as with Special Circular No. 41, 1989-90, we conclude that the promise of flexibility in Special Circular No. 35 waiver procedures has been undermined. We find that the procedure for obtaining waivers is so encumbered that the obtaining of a waiver is almost impossible. For example, to obtain a waiver from the UFT contract, 9 different individuals and groups must sign off on the waiver request. Moreover, there are no waiver procedures at all for some collective bargaining agreements, such as the custodial contract which controls not only the custodian but also the use of the school building.

Our finding about the emptiness of the waiver procedure was confirmed both by the Chancellor's Office and by school visits. At the same April, 1992 meeting with the Chancellor cited above, Askia Davis, the Senior Assistant to the Chancellor for SBM/SDM distributed written answers to questions about SBM/SDM. In answer

to a question about the number and type of waivers that have been requested and granted, he responded, "waiver requests have not been a significant factor in SBM/SDM planning process."

The problem is not just lack of requests, the below cited experience at PS 1 evidences a hostility to waivers. Once again the gap between the promise of, in this case, waivers and what was realized was great.

This gap between the promise of school-based management and the reality of the New York City experience was confirmed in school visits. The experience of one school, PS 1 in Manhattan, in applying for four waiver requests and for help in preserving its effective School Based Support Team (see sec. III, B, 4) revealed not only problems with Special Circular No. 35(waiver requests) but also with SBM/SDM as a whole.

The P.S. 1 SBM/SDM committee voted, in September, 1991, to request four waivers from central "rules" that it believed were essential to fulfill the potential of the SBM/SDM initiative and allow the school to make "critical decisions" particularly with regard to hiring, retaining and assignment of personnel. These waiver requests touched on the most sensitive issues and go to the heart of the matter of how we run our schools.

All four waivers received the support of the SBM/SDM committee and, since they were waivers from the UFT contract, the necessary 75% of the UFT chapter at the school. The team chairperson, the UFT chapter leader and the principal all signed the waiver requests. They were then sent to the District #2 UFT

representative and a copy was sent to the Chancellor's Office.

Waiver #1 (see appendix) essentially asked that staff hiring be delegated to the SBM/SDM committee. "We would like to have the option to select those people who fit in with the goals and philosophy of our school if faced with having to place excessed personnel from other schools or fill a new vacancy."

Roberta Grabler, a teacher member of the SBM/SDM committee, explained that the school community didn't want to be forced to accept senior teachers transferring into the school without some process of interview and selection by the teacher dominated SBM/SDM committee. The central "rules" that permits these unreviewed transfers is the seniority transfer and the "bumping" provisions of the UFT contract.

Other schools, notably PS 87M, have also protested the seniority transfer "rule" and have complained that at least one very incompetent teacher forced his way into that school. The other side of the seniority transfer "rule" is that schools with many at-risk students lose some of their best and most experienced teachers through this provision. These schools want some control over who leaves.

Waiver #2 (see appendix) requested that the SBM/SDM committee and the Consultation Committee be consolidated. The latter committee is mandated by the UFT contract and contains teachers and the principal. It's purpose is to "consult on matters of school policy and on questions relating to the implementation of this agreement."(UFT contract)

Roberta Grabler explained that the SBM/SDM committee believed that it was its role to discuss policy and that the existence of two such committees tended to undermine SBM/SDM. She also explained that there was unhappiness with the negative emphasis and "whiny" tone of the consultation committee.

Waiver #3 (see appendix) concerned the assignment of personnel already working in the school. "We would like to have the ability to place staff members who have demonstrated that they are best suited to the educational needs of the children in programs we have designed. We would like to be able to utilize the strengths and talents of these people--regardless of seniority--so that it will have a positive educational impact on the school."

Teacher assignments are partly controlled by provisions of the UFT contract and some assignments are made on the basis of seniority and others on random rotation. The P.S. 1 staff believed that such decisions should be made by people at the school and not by rules or contract provisions.

Waiver #4 (see appendix) concerns the ability of teachers who do not support the philosophy and goals of PS 1M to be able to transfer. At present the UFT contract only provides for the transfer of senior teachers. Roberta Grabler explained that teachers who are disgruntled would be happier and more productive in schools that shared their educational philosophies and, of course, the PS 1M community would be strengthened.

All four waiver requests, which would have delegated power from central "rules" to PS 1, were rejected by both the UFT and the

Chancellor's Office. This was done even though the requests were approved by both the teacher dominated SBM/SDM committee and a 75% vote of the UFT chapter. They were rejected in spite of the fact that SBM/SDM was suppose to delegate personnel decisions to the schools and that the waiver request special circular specifically mentioned "deployment of staff."

When even teachers tried to push SBM/SDM beyond vague generalities, by requesting that specific central powers be delegated to the schools, this was rejected by the two most powerful central authorities in the school system, the UFT and the Chancellor's Office.

Roberta Grabler wrote an article about the experience for the Parents Coalition newsletter.

> "The crucial problems facing public education are being identified by school based management schools. However, the ability to use this information is being blocked by the very organizations who initiated restructuring.
> It is ironic that the UFT and the Board of Education have invested such huge amounts of money into school based management but haven't done the appropriate restructuring within their own organizations."

The treatment of P.S. 1M is in stark contrast to the experience of the <u>High School of Graphic Communication Arts</u> and, we believe, confirms Ms. Grabler's conclusion that the UFT and the central bureaucracy only pay lip service to school-based decision-making and parent involvement.

The SBM/SDM committee at the Graphic Arts was asked to consider shortening class periods on Mondays and having the last period end at 1:30 pm. This would enable the SBM/SDM committee to

meet during the school day and not after school. It was also proposed that this common time period would be used for innovative classes for students.

However, parents and at least one administrator on the SBM/SDM committee opposed this action. They strongly opposed a shortening of academic class periods. Since consensus is needed on major decisions, the proposal was dropped.

But it didn't end there. The UFT Chapter Chair took the proposal to the UFT Chapter and made the same proposal as a "school based option" which is permitted by Article VIII--Education Reform part of the UFT contract. 75% vote of the Chapter and the principal's approval were secured. The waiver was then sent to the Chancellor and the UFT president.

The Chancellor and the UFT president approved the proposal even though the SBM/SDM committee had rejected the shortened day. The attitude seemed to be, students and parents be damned. This approval also directly undermined SBM/SDM. And when few "innovative" classes were offered and most students left at 1:30, parents felt even more betrayed.

The experiences at Graphic Arts H.S. and PS 1 strongly indicate that SBM/SDM lacks legitimacy and that the central bureaucracy and the UFT, the two most powerful central forces in the school system, lack a commitment to genuine school-based decision-making. These are the very entities that brought SBM/SDM to New York City.

The failure of Special Circular No. 41, 1989-90 to delegate

specific and meaningful powers to SBM/SDM committees and the lack of an effective waiver policy for individual schools completely undermines the promise of SBM or school-based management. This failure can be seen in the fact that the many problems caused by central "rules" detailed in section B7a of this report were not cured by SBM/SDM.

D. 2. Lack of Shared Decision-Making

We also evaluated the shared decision-making part of SBM/SDM and also found it to be seriously deficient both in 1) design and 2) practice. Instead of parent and teacher empowerment through shared decision-making, we only have tepid teacher empowerment.

The failure to empower parents is an especially bitter disappointment to both parents and community members. We had relied on the Chancellor's promise that SDM would be the key strategy for parent involvement. Parents wanted to end their estrangement from the schools; they wanted to be involved which is a sine qua non for reversing school failure.

There were clear indications at the very beginning of the introduction of SBM/SDM that parents and the communities were an afterthought. SBM/SDM was created in early 1990 after consultation with the unions. At no time were parents invited to participate in the development of SBM/SDM.

When Special Circular No. 41, which authorized SBM/SDM, was released in March, 1990, it became clear to parent leaders that parent and community involvement was not a serious part of the

initiative. The circular dictated the composition of SBM/SDM committees; it mandated a teacher majority but only one parent. It used language that obfuscated its intent, "the majority of team members must be non-supervisory pedagogues."

It also called for "meaningful parent representation," a vague term that parents have come to distrust. To compound the problem, the composition formula for the SBM/SDM committees was placed in the UFT contract which effectively gave the union a veto over any changes.

In May, 1990, when parents questioned the rationale for mandating that teachers and paraprofessionals fill a majority of the positions on the SBM/SDM committees, the chancellor refused to explain or justify this position. And even though the initiative was in its infancy--it was only in 70-80 schools during the first year--the chancellor showed a distinct unwillingness to discuss with parents any modifications of his SBM/SDM model. (Parents support the Marchi Commission recommendation that parents and teachers have parity on such committees.)

Three years later, the board now admits that the centrally mandated UFT majority, on the SBM/SDM committees, is a mistake and undermines one of the major goals, parent and community involvement, of school-based decision-making. On page 27 of an April 23, 1993 Factfinding Report of the Public Employment Relations Board, the board/city's new position was summarized as follows:

"For School Based-Management/Shared

> Decision-Making to achieve its goal of empowering the local school community, it is essential to remove the requirement that SBM/SDM Committees be comprised of majority of non-supervisory pedagogues."

Unfortunately, this awakening to the obvious will not lead to immediate change because the other mistake made in 1990, placing this provision in the UFT contract, means the board lacks the unilateral power to correct it. And, in fact, the UFT has already gone on the record as opposing a change in the make-up of the SBM/SDM committees. Its position was summarized on page 27:

> "The UFT protests the effort to eliminate the majority of UFT represented employees on School-Based Management teams."

UFT empowerment, not shared decision-making with parents and the community, seems to be the agenda of the teachers union.

Moreover, Special Circular No. 41 created a "Chancellor's SBM/SDM Advisory Committee" and it called for parents to be members of it. Yet, two and a half years after its release there has yet to be a parent on the advisory committee. The lack of parent involvement in Shared Decision-Making continues at both the central bureaucracy and on the school SBM/SDM committees.

Visits to schools also confirmed the absence of meaningful parent involvement in SBM/SDM. Visits were arranged to a very limited sample of SBM/SDM schools selected by the Chancellor's office. John Fager the co-chair of the Parents Coalition visited five schools and attended SBM/SDM meetings at all. At three schools, a high school and two elementary schools(a condition of visits was that the names of the schools would not be revealed)

there was one parent at each meeting. At two other schools(a high school and an elementary school) there were no parents.

Once again, Chicago has a very different model. To create parent/teacher parity, it decided that a parent majority was needed. The thinking is that teachers and principals so dominate a school that only a parent majority would create equality. Chicago also set aside two seats for community members. New York City has no provision for community members other than parents.

And, finally, even the training and facilitation of SBM/SDM is dominated by the teachers' union. The facilitators are drawn from three programs, two of which are run by the UFT. Also, training and orientation is dominated by the UFT. Some trainers and retreats are partially funded by the UFT.

This almost complete domination of SBM/SDM by the UFT is not a surprise when one examines the workings and origins of the Miami version of SBM/SDM which is where Chancellor Fernandez pioneered his version of school-based decision-making. (see sec E1)

Unfortunately for students and parents, having a teacher dominated SBM/SDM model may be one of the reasons for its lack of success in Miami. School-site management schemes dominated by staff have, to this point, typically brought about very limited changes in educational practices (Malen, B.; Ogawa, R.T.; and Kranz, J. (1990, Feb). "Site-Based Management: Unfilled Promise. Evidence Says Site-Based Management Hindered by Many Factors." *The School Administer*, pp. 32-59.)

Substantial parent and community involvement in school-based

decision-making might not only make it more effective but there is the likelihood that other beneficial forms of parent and community involvement will be implemented(see fuller description in section C2). The benefits of home-school communication, home-based parent involvement in helping children to learn, parent and community volunteerism at school, and the involvement of community agencies in aiding the school are, in most cases, only realized if the teachers and principals give them priority (Epstein, Joyce L., and Becker, Henry Jay (1982) "Parent Involvement: A Survey of Teacher Practices." Elementary School Journal 83: 103-113.) & (Epstein, Joyce L. (1987). "What Principals Should Know About Parent Involvement." Principal 66(3): 6-9.) Having parents participating in school decision-making maximizes that possibility.

In schools where parents and community members have a major voice in decision-making and where school-site councils are educated concerning the practical ways in which they can act to increase other forms of parent and community involvement, it is much more likely that the principal and teachers will help implement the kind of multi-pronged long-term effort to involve parents and community that has been shown through past research to improve the quality of education and its result. (Moore, Donald, "The Case For Parent And Community Involvement", *Empowering Teachers and Parents: School Restructuring Through the Eyes of Anthropologists*, Greenwood Publishing Group)

The NYC Board of Education has tried to justify SBM/SDM by citing a state report. In February, 1992, a New York State

Department of Education study, "CHAPTER 1/PCEN, SCHOOLWIDE PROJECTS REPORT," examined just what the title states. But because this state program, that was begun a year before SBM/SDM, also mandates the use of school-based decision-making, the Board of Education, on page 16 of the Chancellor's Budget Request For 1992-93, used the study to assert that progress is being caused by its SBM/SDM initiative. It stated, "In a recent evaluation of the SBM/SDM schools which receive Federal and State monies, the State Education Department(SED) noted that important changes in instruction have resulted from schools' new freedom to change the way they are managed."

The state official, Sandy Northfleet, who supervised the study, denied that the study was about the Board of Education's SBM/SDM initiative. She also stated that it was a preliminary report about Chapter 1 Schoolwide Project schools and it did not contain any qualitative analysis.

And, more recently, in the Chancellor's Budget Request for 1993-94, the central bureaucracy again has misused information to justify SBM/SDM. On page 8, the Budget Request states that SBM/SDM "Successes include increases in student test scores expanded staff development programs, and enhanced parent involvement."

When the board was pressed to explain the basis for its claim of enhanced parent involvement, we were told that this was based on the Board of Education's multi-part study, "School-Based Management/Shared Decision-Making: Survey of Implementing Schools 1991-92." The report contains a number of surveys including one of

11 "high implementing schools" that evidenced enhanced parent involvement.

The Board's methodology involved selecting 11 SBM/SDM schools, from the original 80, that were successful in general and in particular in involving parents and then generalizing from that. Since the Board did not use a random sample of SBM/SDM schools, this is not a valid method of inquiry. Moreover, when asked if these schools had a history of involving parents prior to the introduction of SBM/SDM, the board admitted that the survey had not controlled for that. This is another fatal flaw especially in light of the Miami study that found that only schools that had a history of parent involvement also had it under SBM/SDM.

And, as has already been noted, at approximately the same time that the findings about enhanced parent involvement was being released, the PERB Factfinding Report was being released. In the Factfinding Report the board admitted that to achieve the goal of empowering parents and the local community, the domination of the SBM/SDM committees by non-supervisory pedagogues must be reversed. The central bureaucracy wants it both ways; it claims success for SBM/SDM in involving parents, yet admits that its model undermines this very goal.

Just as outrageous is the claim in the Chancellor Budget Request, 1993-94, that there is preliminary evidence to suggest that SBM/SDM in New York, unlike Miami, has had a positive impact on student achievement. The bureaucracy cited the same multi-part report but focused on a different part of it. It surveyed 42

schools that "had participated in SBM/SDM for two years and had at least one full year of revised programming based on planning team recommendations."

We asked the Board if this finding came from a survey of random selected schools or whether this finding came from studying a high implementing or successful schools sample. Again, we were told that it was based on studying a "high implementing" sample. We were also told that any broad generalization about SBM/SDM's impact on student achievement was inappropriate.

The bureaucracy's methodology, if applied to studying a school that has half gifted-and-talented students and half regular education students, would work as follows. It would study the progress of the gifted-and-talented students and if it found good results, the bureaucracy would conclude that the school was successfully educating all the students.

The Parents Coalition concludes that New York City school children will continue to be harmed by the school systems' failure to involve their parents and that SBM/SDM, in its design and implementation, has failed to have any impact on this crucial shortcoming.

D. 3. No Introduction of Accountability

The Chancellor, in his Budget Request for 1990-91, had said that he will demand accountability as part of the SBM/SDM bargain. Yet little has changed. No effective action is taken when schools continue to fail. Teachers and principals continue to have jobs

for life, regardless of their performance. Nothing, besides a very limited ability to retrain a small number of principals, was enacted to increase accountability.

Nothing infuriates parents more than watching their children spend a year in a class with an incompetent teacher or three to six years in a school with an incompetent principal. SBM/SDM has not had any impact on this fundamental problem. The judgment of the New York State Education Department's Report to the Regents on governance problems is still accurate,

> "the existing governance structure
> is fraught with confused and overlapping
> layers of responsibility and authority,
> such that accountability is almost absent."

## E. Other School-Based Decision-Making Models

Other cities, notably Miami/Dade County and Chicago, have adopted different versions of school-based decision-making. The Miami model is very similar to New York City's whereas the Chicago model is very different. There are lessons to be learned from the experience of both school systems; New Yorkers need to become familiar with both.

### E. 1. Miami/Dade County's SBM/SDM

The Dade County/Miami school system has had a School-Based Management/Shared Decision-Making initiative in place since 1987. Chancellor Fernandez was Deputy Superintendent and then in 1987 Superintendent of this system prior to coming to New York in January, 1990. He was intimately involved in the development of SBM/SDM in Miami and then brought it to New York.

We gathered information about the Miami/Dade County experience with SBM/SDM because it is similar to the New York City initiative and it was started three years before ours.

The Miami version of SBM/SDM has been the subject of a number of studies. Ominously, for New York City, those studies have uniformly given poor evaluations to Miami's SBM/SDM program. Most significantly, one study that measured student achievement found no improvement in student educational outcomes.

Reports and articles about Miami's SBM/SDM model explain the teacher dominance, the relative absence of parents and the

ineffectiveness of its SBM/SDM model.

"School-Based Management/Shared Decision-Making In Dade County(Miami)" is an article published in August, 1989 by Joseph Fernandez, Pat Tornillo, Jr. the head of the United Teachers of Dade and Peter Cistone of Florida International University. The article stated that the primary purpose of the Dade County school-based decision-making model, SBM/SDM, was the empowerment of teachers.

According to the article, SBM/SDM comes directly from the Professionalization of Teaching Task Force in 1985 and results from the "extraordinary positive relationship that has developed over the past fifteen years between the school board/administration of the Dade County Public Schools and the teachers' union, the United Teachers of Dade." It goes on to say that SBM/SDM was designed by the Superintendent of Schools and the executive vice president of the teachers union. As we have already noted the teacher dominance and near exclusion of parents in the planning and implementation was repeated in New York.

According to the Contract between the Dade County Public Schools and the United Teachers of Dade County, a school can apply for inclusion in SBM/SDM if two-thirds of the faculty vote to do so.

If the school is accepted into the program then and only then do parents get to participate. Parents pick at least one member but can have up to 20% of the members of the committee. (This is similar to New York where it is required that there be one parent

but the central board recommends 20-30%)

The Miami contract is vague about any specific delegation of authority from the central bureaucracy to the individual schools. Also similar to New York City, there is a strong sentence about waiver requests, "Where labor contract provisions, School Board Rules, and State Board Rules and/or statutes are obstacles to implementation of school-based decisions, SBM cadres shall have the opportunity to request waivers, which shall be given every consideration."

One of the earliest reports on Miami/Dade County's SBM/SDM initiative was conducted by parents. "Report On Survey, School Based Management/Shared Decision Making, June, 1989" was conducted by the Dade County Council PTA/PTSA. It found a lack of student and parent involvement, lessened accountability and at some schools poor teacher attitudes. Some of its findings were:

*"There seem to be a lack of student and parental involvement or only token involvement."

*"School system employees are being appointed to represent and speak for parents and students."

*"At some locations lines of accountability are now vague and blurred with administration and teachers unsure of specific responsibilities."

*"At some schools teachers need further training on intrapersonal skills to avoid argumentative, petty, political behaviors which are counterproductive."

A second report, "School Restructuring: Maintaining Dade's

National Leadership Role," by Citizens For Better Schools, was released in November, 1989. Despite its title it contained a highly critical evaluation. We will quote extensively from the report; it parallels our findings in New York City. First, the report commented on the origin of SBM/SDM and blamed its ineffectiveness on Miami's SBM/SDM architects.

*"Dade's restructuring effort so far continues to bear signs of its origins as a program put together by a school bureaucracy in consultation with a teachers' union. So far, it is an 'insider's' reform plan...by itself, in the absence of further refinements, SBM/SDM will not result in substantial improvements in student academic achievement."(p.87)

The report also noted the lack of any increase in accountability and its failure to have an impact on student achievement.

*"School-Based Management/Shared Decision Making, Dade's restructuring system, actively promotes teacher professionalism and job satisfaction, but does little, as yet, toward improving the academic achievement of students or the accountability of the school system."(p.2)

Surprisingly, it found that instead of lessening the deadening weight of the bureaucracy, it increased it.

*"SBM/SDM was intended to make the schools less bureaucratic, but instead it is making them more so."(p.5)

The report also found that the most troubled schools often needed new resources and that SBM/SDM does not provide them. Also

that building and retaining a professional staff at the most difficult school also seem to be beyond the scope of the initiative.

*"The District has not yet made a commitment of resources--specifically, effective principals and teachers--to all of these schools(inner-city) to make them work." (p.39)

*"Without strong financial incentives, a professional team cannot be maintained in an inner-city school at a peak performance level for year after year."(p.57)

It should come as no surprise that the report found that in a school-based decision-making model designed in part and dominated by the teachers' union, lack of accountability would be a problem.

*"Higher standards are also needed with regard to teachers. Today, a school could have a cluster of incompetents, with a high proportion of teachers with problems in their own basic skills and in teaching effectiveness, but nothing is done in most cases to see to it that they either improve or leave the profession. Even Joe Fernandez shied away from tackling the thorny problem of teacher competence and effectiveness."(p.88)

Moreover, goals were not set that schools could be held accountable for achieving.

*"School staffs are now given the power to determine the means, but no real, measurable goals are set for them to achieve and they are not held accountable for accomplishing them."(p.88)

The report was harshly critical of the lack of parent involvement. It noted the hostility of staff and administration to

meaningful parent involvement.

*"Meaningful parent participation in governance is generally unwelcome in the Dade County Public Schools. The whole SBM/SDM experiment is predicated on increasing teacher involvement in governance, while excluding parents as far as practicable." (p.4)

*"The rhetoric of SBM/SDM promotes the involvement of parents and older students in decision making. In actuality, however, parental and student involvement has been almost non-existent in most schools....District administrators state categorically in private conversations that the whole point of SBM/SDM in Miami is to professionalize teaching and give teachers a greater say in decision making and not to include parents in any important capacity."(p.32)

*"If one leaves certain crucial decisions up to the school staff, they will not sufficiently take into account the rights of parents and students to information and representation." (p.33)

The failure to involve students does nothing to end the debilitating alienation of many students. According to the report many teachers and principals are locked into attitudes that lead to student failure. Miami's SBM/SDM doesn't begin to bridge the gap between its students and its schools.

*"Students have not been involved in meaningful roles in governance in most SBM/SDM schools. The Dade County Public School Report Card showed substantial student alienation from both the teachers and the schools."(p.5)

Another report, in part, measured student achievement under

SBM/SDM. "Summative Evaluation Report, School-Based Management/ Shared Decision-Making Project, 1987-88 Through 1989-90" is an evaluation conducted by the Dade County Public Schools Office of Educational Accountability(OEA). Its report, issued in January 1991, was very mixed.

On the crucial issue of student achievement there was nothing but bad news. According to the report, after three years of SBM/SDM, there has not been any improvement in student achievement. In fact, there was a systemwide decline and a matching decline in the SBM/SDM schools.

The report did document an improvement in school climate and teacher morale that held throughout the three years. But the report also found that expectations started out high for SBM/SDM, yet, by the end of the third year this was starting to be reversed.

Most troubling from a parent and student point of view was the finding that the major thrust of SBM/SDM had been achieved even though student achievement had not been improved. "In terms of what OEA believes to be the major thrust of the project; the involvement of teachers in decision-making toward the end of making the profession more attractive, -- there is substantial evidence to say that the project has succeeded".

The Miami version of school based management, SBM/SDM, seems to exist separate from the process of educating children. Teacher professionalization seem to exist in a vacuum unrelated to student achievement. How else does one interpret the finding that the project was successful yet it had no impact on student achievement.

This insular and myopic thinking is precisely why parents and community members need to be involved not only in the governance of schools but in the design of restructuring initiatives like SBM/SDM. Parents need to be at the table to remind bureaucrats and union leaders that the purpose of schools and reforms of school system is to improve student achievement. Of course, improvement in teacher morale is important but it should never be the primary goal of a school-based decision-making initiative.

E. 2. Chicago's Local School Councils

The Chicago school system, in 1989, implemented a systemwide school-based decision-making model that is much more far reaching than New York City Board of Education's SBM/SDM initiative. Chicago's model was enacted by the state legislature after study and much debate. Unlike New York, the Illinois legislature delegated significant authority from the central board to the school-based committees and it also profoundly empowered parents and communities.

For example, the legislature took from the central board and delegated to the local school councils the power to hire the principal. The legislature also instituted real accountability by abolishing principal tenure and authorizing the school councils to grant four-year performance contracts. This amounted to a revolution in that most teachers and principals used to enjoy life-time tenure regardless of their performance. This is still the situation in New York City.

The authority of the principal to hire, supervise and dismiss the staff was also strengthened. Any vacancies or new positions created are filled by the principal. The principal is given the authority to make key hiring decisions and will be held accountable for his/her performance. In New York City, principals neither have the full authority they need nor are they held accountable.

The size of the central bureaucracy was limited by placing a cap on its expenditures, and more discretionary money was allocated to the school councils. This lump sum allocation could be used to "support those activities that they judge most necessary to implement their school improvement plan." In New York City only Chapter 1/Citywide Project schools have discretion over any significant amounts of money and this flexibility is a result of a federal reform and not the existence of SBM/SDM.

A Chicago study concluded that the concomitant reduction of central power and the enhancement of local school council power is crucial to the council's success.

> "To allow the school-site council to exercise its decision-making authority, the authority of the central administration and board of education must be decreased and these entities must be restructured in light of their changed responsibilities. Without such a restructuring of the role of central authority, the initiative of school-site councils will typically be thwarted. (Moore, Donald, "The Case For Parent and Community Involvement," *Empowering Teachers and Parents: School Restructuring Through the Eyes of Anthropologists*, Greenwood Publishing Group)

New York City schools continue to be handicapped by a bloated and powerful central bureaucracy, powerful unions and, in some

districts, unresponsive community school boards. The web of "rules" that institutionalize the power of these entities remains largely unchanged by SBM/SDM. Nor has the role of the central bureaucracy been redefined and reduced.

The Chicago model also exemplifies real parent/community empowerment i.e. genuine shared decision-making. Every local school council has 11 members, 6 parents, 2 teachers, the principal, and 2 community members. The legislature was convinced that only a parent majority would create parity between staff and parents. It reasoned that teachers and principals play such a dominant role in a school that even educated parents can be intimidated. It concluded that parents need a majority position on the councils to achieve a workable partnership between parents and educators.

For those who believe that this is a prescription for heightening parent/teacher mistrust, a study found that "65% of teachers on Chicago's school-site councils report that staff-parent relationships have improved since these councils were elected (Richard Day Associates (1990). A Survey of Members of Chicago Local School Councils for Leadership for Quality Education. Chicago: Leadership for Quality Education.)

Moreover, as was noted earlier in this report, a study has shown that having school councils not dominated by professionals may also be critical for the success of school-based decision-making. School-site management schemes dominated by educators have, to this point, typically brought about very limited changes

in educational practices (Malen, 1990).

It is too early to know whether the school-based decision-making model in Chicago is effective in reversing the massive educational failure of that city's schools. But it is a sincere attempt to involve parents in the running of their children's schools and to empower the local school councils to make critical decisions.

## F. Policy Implications

Since SBM/SDM, the New York City version of school-based decision-making, neither delegates authority to the schools nor creates the necessary partnership with parents, it is failing to restructure the dysfunctional school system. Instead of challenging the status quo it accommodates itself to it. Since SBM/SDM undermines the potential benefits of genuine school-based decision-making it must be fundamentally revised.

Moreover, the New York State Regents, in its *New Compact For Learning* and Regulation 100.11, has mandated that every school district must have a plan in place by February 1, 1994 for implementing school governance councils at every school. This represents an opportunity to learn from the mistakes of the SBM/SDM experience. Therefore, the Parents Coalition urges that the proposed school governance councils have the ability to make "critical decisions" and that parents have an equal voice with teachers on those councils.

The legislature is presently debating the structure of the New York City school system. Whether it leaves intact the present decentralized/centralized school system or moves to dismantle it, genuine school-based decision-making must be mandated for our school system. For our children to become educated we need to create and empower a collaborative community at every one of our 1,000 public schools. Genuine school-based decision-making is a

vehicle for accomplishing that.

## G. Recommendations

Public school parents and others concerned about reversing the failure in our schools and educating all the children have a choice: work to reform SBM/SDM and/or start from scratch by focusing on the Regents New Compact For Learning Regulation 100.11 that mandates that every school district in the state must have a plan for implementing school governance councils by February 1, 1994. The following recommendations by the Parents Coalition are applicable to both courses of action:

1) Create a meaningful partnership between families and schools. Chicago believed that to create equality between parents and pedagogues it was necessary to give parents a majority position. We agree; give parents a majority of the positions on the SBM/SDM committees and/or school governance councils. Ensure that all constituencies, special ed., bilingual, chapter 1, and racial and ethnic groups are represented. Do not expand SBM/SDM to more schools until this reform is made.

2) Remove from the UFT contract the requirement that the SBM/SDM committees have a UFT majority. Keep the composition formula for the 100.11 school governance councils out of the contract.

3) Create places on the SBM/SDM committees and/or school governance councils for non-parent community members. Each school committee can decide whether they should be full members or

advisory members.

4) Provide resources for on-going training of parents, students, and pedagogues.

5) Make planning time a regular part of the SBM/SDM teachers' weekly schedule and pay parents to participate.

6) Create genuine school-based decision-making by delegating significant authority from the central bureaucracy and community school boards to the SBM/SDM committees and/or school governance councils. These powers should include: hiring and holding accountable principals and other supervisors, playing a role in the hiring of new staff, playing a role in holding accountable existing pedagogical staff, controlling custodians and their budgets, controlling the use of the school building, and controlling budgets, curricula, and schedules. Such a delegation of power would result in a redefinition and downsizing of the central and community boards.

7) Revise the SBM/SDM waiver request procedures by eliminating many of the approvals now needed and then encourage waiver use. Include a liberal waiver policy in the plans for school governance councils.

8) SBM/SDM should be evaluated by an outside agency and not solely by the Board of Education. Booz Allen Management Consultants has done management studies for the board and has offered to study SBM/SDM. Request that Booz Allen and the National Center for Restructuring Education, Schools and Teaching at Teachers College review SBM/SDM and the plans that emerge from the

100.11 process.

9) Engage parent organizations and other community-based organizations to conduct an education campaign about the potential of school-based decision-making. Then hold public hearings to evaluate the present SBM/SDM model.

10) Hearings should also be held and a public education campaign should be mounted about the Regents New Compact For Learning and Regulation 100.11. It may or may not be possible to reform SBM/SDM but those interested in improving the New York City schools have another opportunity to implement genuine school-based decision-making through 100.11.

## H. APPENDIX

1. Special Circular No. 41, 1989-90
2. Public Employment Relations Board Factfinding Report, Board of Ed & UFT, April 23, 1993
   a. Seniority Transfer Plan
   b. Substitute Paraprofessional Priority For Full Time Positions
   c. SBM/SDM Team Composition
   d. Midwinter Recess Reopener
3. P.S. 1's Waiver Requests from the UFT Contract, #1, #2, #3, #4

**NEW YORK CITY PUBLIC SCHOOLS**
**OFFICE OF THE CHANCELLOR**

March 26 , 1990

**SPECIAL CIRCULAR NO. 41, 1989-1990**

TO: COMMUNITY SCHOOL BOARD MEMBERS; PRINCIPALS; UFT CHAPTER LEADERS; PA/PTA PRESIDENTS; ALL SUPERINTENDENTS; DISTRICT UFT AND CSA REPRESENTATIVES; EXECUTIVE DIRECTORS AND HEADS OF OFFICES; HEADS OF OTHER INVOLVED UNIONS.

FROM: JOSEPH A. FERNANDEZ
CHANCELLOR

SUBJECT: REQUEST FOR PROPOSAL (RFP) :
VOLUNTARY PARTICIPATION IN SCHOOL-BASED MANAGEMENT/SHARED DECISION-MAKING

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## ABSTRACT

School-Based Management/Shared Decision-Making (SBM/SDM) is based upon the belief that students, parents, school staff members and communities have unique needs, and that these needs can best be identified and addressed by them. It is critical that those closest to the classroom have the opportunity to explore, create, implement and assess innovative approaches to increase student achievement.

Schools whose proposals for SBM/SDM are accepted will have opportunities to try something new; to redefine roles, relationships and responsibilities; to share in decision-making; and to experiment with a wide variety of curricula, instructional strategies, staff development models, and organizational approaches which will result in strengthening the quality of instruction.

All schools are eligible to participate in this initiative and are encouraged to accept this challenge. Each selected school will receive an allocation to be used exclusively for activities directly related to planning and developing an SBM/SDM school plan. School participation is voluntary. **Schools applying for participation must submit a Letter of Commitment to the Office of the Chief Executive for Instruction by May 4, 1990 .**

This circular describes the SBM/SDM initiative and includes the application procedure and guidelines for the development of planning proposals.



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## DESCRIPTION OF THE SBM/SDM INITIATIVE

SBM/SDM provides schools with the opportunity to make decisions about how they organize instruction, redeploy staff, and budget money. Inherent in this, is the belief that students will receive a better education when the decisions that affect them are made at the school level.

This approach recognizes that a diverse group of people in every school community must decide on a plan of what that school can be, set high expectations and collaborate on strategies to promote student learning.

Some goals of SBM/SDM are:

- **Improved educational programs, learning environment and achievement for all students;**
- increased opportunities for parent participation;
- increased shared decision-making and accountability at the school level;
- greater flexibility and responsibility in educational planning, budget development and management at the school level;
- increased teacher involvement in professional development activities; and,
- increased opportunities for community, business and student partnerships.

## FLEXIBILITY

Flexibility is vital to the SBM/SDM initiative. The school community will have the flexibility to determine how things should be done, and in turn, the responsibility for getting them done.

What is educationally sound for one school may not be appropriate for another. During the 1990-1991 school year, the central Board of Education will seek waivers of certain categorical program restrictions for participating schools. While all schools have opportunities for flexibility under the School Based Option in the UFT-Board of Education contract, schools adopting an SBM/SDM model will have additional and expanded opportunities to request waivers of contractual items and Board regulations which may be needed. Requests regarding waivers of any contractual items are subject to the approval of the Chancellor and the respective union. No waivers will be given until a plan has been approved. All applicable federal, state and local laws designed to ensure an appropriate education for all students will remain in effect (i.e., civil rights, special education, bilingual education).

## PARENTAL INVOLVEMENT

Parents are the first and primary educators of their children and a strong partnership between home and school is essential in helping students to succeed in school. SBM/ SDM promotes school-based efforts to develop more productive and effective relationships between parents and school personnel. In addition to membership on a school's SBM/SDM team, parents may be actively involved in the education and school life of their children through a variety of activities. In order to be approved for SBM/SDM, the school's team must have meaningful parent representation.

Parent awareness about SBM/SDM is essential. All schools will call a meeting to: introduce and disseminate information about SBM/SDM; seek agreement to participate; and, describe the methods of selection for parent representation on a school's SBM/SDM team. Information about this meeting should be in all languages represented in the community. **This meeting must be scheduled at a time that is convenient for the largest number of parents possible.**

In those schools with a parent organization established in accordance with Board of Education publication "Parent Associations and the Schools" (available by contacting the Division of Public Affairs at 718/935-5696), this parent organization will assume the responsibility for calling the required meeting and conducting a vote for participation and representation. For those schools without a parent organization established in accordance with this publication, the principal will assume the responsibility for calling this required meeting. **In all cases, the selection of parent representation will be done by the parents themselves.**

## SCHOOL PARTICIPATION

All schools are eligible to apply for participation in the SBM/SDM initiative. School participation is voluntary and based upon:

- the agreement of 75% of the non-supervisory school-based staff (e.g., teachers, paraprofessionals, support staff, and others);
- the agreement of the parents;
- the agreement of the principal;
- the agreement of the superintendent;
- the establishment of an SBM/SDM team;
- the election of an SBM/SDM team chairperson; and,
- the submission of a Letter of Commitment (see Attachment A ) and Planning Proposal (see Attachment B ) by the SBM/SDM team.

## HOW TO ESTABLISH A TEAM

Based upon a peer selection process, participating schools will establish an SBM/SDM team. This core team must include the principal, UFT chapter leader, and parent representation. Additional team members may be selected from: students (where appropriate), parents, teachers, paraprofessionals, support staff and supervisors. Initial decisions on additional members should be made by the core team. The needs and concerns of special groups, e.g., bilingual, Chapter I, gifted, special education and parents, must be represented on the SBM/SDM team.

Participating schools will determine the number and membership needed to establish an effective operating team. In order for the core team to function, the size of the team should be workable so that decisions can be reached and plans implemented efficiently and effectively. People with SBM/SDM experience have indicated a team of 10-12 members as most practical. The majority of team members must be non-supervisory pedagogues. The SBM/SDM team may expand its core membership with additional school staff or parents as needed, e.g., subject area specialists whose expertise may be helpful during the planning of specific aspects of the program, as determined by the team.

Should any one group have 104 majority?

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**NOTE:** The team established as a result of this initiative becomes the overall management team of the school. Most other teams (or committees) will become subsets of this SBM/SDM team. In this way, schools should be able to streamline the number of committees and their overlapping responsibilities.

An SBM/SDM telephone "hotline" at 718/935-5715 is available Monday through Friday during the hours of 8:00 A.M. - 4:00 P.M. to respond to inquiries pertaining to the initial development of the SBM/SDM model in your school.

## LETTER OF COMMITMENT

Schools applying for participation must submit a Letter of Commitment (see Attachment A).

Letters of Commitment will provide:

- the names and titles of the SBM/SDM team members and selected chairperson; and,
- a statement of educational intent.

Letters of Commitment will be submitted to:

Office of the Chief Executive for Instruction
New York City Public Schools
110 Livingston Street - Room 1003
Brooklyn, New York 11201

**Letters of Commitment must be submitted no later than May 4, 1990.**

## PLANNING PROPOSAL

A collaboratively developed SBM/SDM Planning Proposal (see Attachment B), consistent with the guidelines described in this circular, must be submitted by each applicant school. This proposal must be completed by the SBM/SDM team in consultation with school staff and parents.

Proposals will provide:

- a statement of educational intent;
- the method of communication of information with staff and parents during the proposal development;
- a description of the planning activities;
- a planning budget; and,
- the approaches to student assessment.

All SBM/SDM Planning Proposals will be submitted by the school to:

Office of the Chief Executive for Instruction
New York City Public Schools
110 Livingston Street - Room 1003
Brooklyn, New York 11201

**Plans must be submitted no later than June 8, 1990.**

## PLANNING ALLOCATIONS AND ACTIVITIES

Each selected school will receive a planning allocation to be used exclusively for activities directly related to planning and developing an SBM/SDM school plan. Schools will receive a base allocation of $7,500 and a per capita allocation of $7.00 for each general and special education student enrolled, up to a maximum of $20,000. This will occur following the acceptance and approval of a properly authorized Letter of Commitment and Planning Proposal. Budget allocations will be announced in a memorandum to be issued by the Office of Budget Operations and Review (OBOR).

While deciding upon school-based planning activities, teams need to anticipate expenses that include but are not limited to the following areas: planning meetings conducted before or after school hours; planning retreats; coverages for school-day participation in planning activities; consultants and contracts with external agencies or organizations for professional development and technical assistance during the development stages of the SBM/SDM plans; local visits to exemplary programs; and, attendance at professional conferences.

## AVAILABLE RESOURCES FOR PLANNING PROPOSAL ACTIVITIES

Restructuring calls for examining and changing traditional roles, relationships and responsibilities. **All restructuring efforts must be for the purpose of improving the quality and effectiveness of instructional programs.** As these new roles and responsibilities develop in schools, different skills will be needed. Access to a broader range of information, research data, and technical assistance will be made available as the school community begins to focus upon curricula and program planning, shared decision-making, budget and pupil progress management, as services to students.

The Division of Instruction and Professional Development (DIPD) will facilitate activities for technical assistance in all phases of SBM/SDM. Technical assistance offerings will include, but not be limited to:

- orientation sessions in SBM/SDM for schools that have submitted a Letter of Commitment;
- professional development activities for teams in how to design, plan, implement, and assess an SBM/SDM model;
- development of a Directory of Services from the Division of Instruction and Professional Development.

During the week of May 14, boroughwide orientation meetings will be held for all schools that have submitted the required Letter of Commitment. Notification of meeting dates, times and locations will be sent to the respective schools by the Division of Instruction and Professional Development.

STATE OF NEW YORK
PUBLIC EMPLOYMENT RELATIONS BOARD

BOARD OF EDUCATION
OF THE CITY SCHOOL DISTRICT
OF THE CITY OF NEW YORK

AND

UNITED FEDERATION OF TEACHERS
LOCAL 2, AMERICAN FEDERATION
OF TEACHERS, AFL-CIO

FACTFINDING REPORT
AND RECOMMENDATIONS
CASES M92-257 THRU 269

BEFORE: ARNOLD M. ZACK,CHAIR
ELI ROCK
HERBERT FISHGOLD

DATE OF REPORT: April 23, 1993

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On January 13, 22, February 1, 2, 6 and 7, 1993 we held hearings in New York City on the cases listed above. Rhonda Weingarten, Esq. Counsel to the United Federation of Teachers President, Alan M. Klinger, Esq. of Stroock, Stroock and Lavan and Frederick K. Reich, Esq. of the Law Office of James R. Sandner represented the Union. Saul G. Kramer, Esq. and Mark Kramer, Esq. of Proskauer, Rose, Goetz and Mendelsohn and Bertrand B. Pogrebin, Esq. of Rains and Pogrebin represented the Board/City. A transcript of 1426 pages was taken and approximately 350 exhibits were introduced into evidence. We received the post hearing briefs on March 5, 1993. We held executive sessions on March 7, March 30, April 12 and 23, 1993.

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## BACKGROUND

We understand this to be the first negotiations in which the parties have utilized the impasse procedures of the New York State Public Employee Relations Board. Except for their 1984-87 Agreement which they voluntarily submitted to Last Offer Binding Arbitration, the parties have successfully negotiated all recent predecessor agreements. The last such agreement, reached on January 24, 1991 was for the 1990-1991 school year.

Negotiations for the present agreement commenced on August 14, 1991, and the case was ultimately appealed to the NYSPERB.

A number of issues were presented for consideration in the proceedings. Each of which is addressed below:

legislative action and despite the claim that it provides an incentive for the charged teacher to delay the process, there is no persuasive evidence that that is the case. Indeed, court cases have established the employer's right to suspend pay of a charged teacher where there are such frivolous adjournments or obstructional tactics undertaken by a charged teacher. The proposal should be withdrawn.

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RECOMMENDATION

The Board/City proposal should be withdrawn.

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SENIORITY TRANSFER PLAN

POSITION OF THE BOARD/CITY

The City proposes to freeze transfers from districts where the average teacher salary falls below the City-wide average until such time as the district's average salary equals or exceeds the City-wide average. It notes that at present, regularly appointed teachers may apply to transfer from their assigned school if they have been in that school for five years and have been rated satisfactory in the last three; the most senior applicant filling the next vacancy. This practice, it asserts, drains the most experienced teachers from inner city schools. It argues that with School-based Management/Shared Decision Making, there is need for continuity of teams from year to year. District 23, for example, loses 12 or more of its most experienced teachers every year or 2.5% of its regularly appointed teachers annually. The Board notes that it would not eliminate the transfer plan but temporarily freeze transfers from districts where the average teacher salary falls below the City-wide average until their percentage comes up to the City-wide average.

The Board also proposes that the school receiving such transfers have the opportunity to interview the transfer applicants and select one of three submitted. It argues that parental and local administrator input to the acceptance process is essential for the local schools program to be most successful. It adds that the one in three process is used for initial teacher appointment to a school and that the interview process is already working WELL in Middle, College,and International High School.

## POSITION OF THE UFT

The UFT denies that there is any "flow" of experienced teachers from "hard to staff" community school districts needing to be "stemmed." The contract contains current restrictions which in practice confine transfers to teachers with 20 or more year of experience. There are also limits of 25% per license area in junior and senior high schools and for secretaries and counsellors in all schools within the 5% limit per school. Its data show that transfers from a particular community constitute .05% of the experienced teaching personnel. To impose the freeze, it continues, will further reduce the morale of teachers, deter efforts to recruit and retain, and lead to early retirements for teachers who are unable to transfer to work closer to home.

On the issue of the receiving school board having an option of selecting one out of three applicants, the UFT expresses its willingness to extend the interview process used at the Middle, College and International High School.

## DISCUSSION

We do not believe the problems of transfer to be so great as to justify a departure from the present contract language. The contractual right to transfer among schools has already been restricted to the quotas described above by joint negotiation of the parties. In the absence of persuasive evidence that those contractually negotiated restrictions have been ineffective we are unable to recommend any change in either access to transfer or the right to fill a transfer position once selected.

## RECOMMENDATION

The Board/City proposal should be withdrawn.

## SUBSTITUTE PARAPROFESSIONAL PRIORITY FOR FULL TIME PARAPROFESSIONAL POSITIONS

### POSITION OF THE BOARD/CITY

The Employer seeks to retain to the Districts their right to hire professionals as authorized by the decentralization law. The present agreement, it continues, contravenes the spirit of the law by requiring the filling of paraprofessional vacancies by substitutes according to City-wide seniority.

This, it asserts, thwarts the aim of the decentralization law of allowing local paraprofessionals to work with the children from their neighborhood.

### POSITON OF THE UFT

The UFT argues that in 1990, the parties agreed that paraprofessional substitutes who provided satisfactory service were to be given priority in filling full time professional positions. The Board/City proposes to limit the impact of the provision to special election and high school divisions, although it has never challenged the provision as violative of the Community School Board's legal authority. The UFT asserts that its present practice of granting a principal or community school board the right to veto the most senior designee assures the community will have a paraprofessional more to its liking.

### DISCUSSION

The present contract language calling for reliance on City-wide seniority in filling paraprofessional openings was agreed to by the parties in their most recent negotiations. Despite its protestations that the provision usurps community board authority, there is no evidence that the Employer has challenged the provision in court. Furthermore, the record shows that the UFT has undertaken to mitigate any adverse impact of such moves by granting the principal or community board the right to refuse the most senior person if objected to. Under the circumstances, we see no reason to recommend any change in language so recently agreed to.

## RECOMMENDATION

The Board/City proposal should be withdrawn.

## SBM/SDM TEAM COMPOSITON

## POSITION OF THE BOARD/CITY

For SchoolBased Management/Shared Decision Making to achieve its goal of empowering the local school community, it is essential to remove the requirement that SBM/SDM Committees be comprised of majority of non-supervisory pedagogues. Its proposal would empower the school community to determine for itself, the appropriate level of participation for all parties, and could not supersede any teacher contractual rights, including the requirement of a 75% majority to approve any contractual waiver.

## POSITON OF THE UFT

The UFT protests the effort to eliminate the majority of UFT represented employees on School-Based Management teams. The current structure has worked well enough, according to the UFT, to have spread to 240 (or 25% of) schools. Even under current SBM/SDM rules, a particular SBM team may vote to modify the UFT member majority provision in order to increase parental involvement. The UFT asserts the present language should be retained.

## DISCUSSION

The stated purpose for this proposal is to encourage increased parent participation in the schools. The record demonstrates that a substantial number of eligible schools have joined the program, testifying to its effectiveness. The record also shows that the current SBM/SDM rules permit a particular team to

modify the UFT member majority provision in order to increase parent involvement. Accordingly, we are not persuaded that the call for a change in the current program is warranted at this time. If lack of parent participation in any school presents a problem, we would recommend that the parties seek to address such a problem on a case by case basis.

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## MIDWINTER RECESS REOPENER

### POSITION OF THE BOARD/CITY

The City proposes a reopener on the January 1991 agreement establishing a mid-winter recess during Washington's Birthday week as a quid pro quo for the deferral of $40,000,000 in salary once the deferral is repaid. It asserts that the mid-winter recess is intensely unpopular, that the wage deferral agreement did not assure the mid-winter recess as a permanent benefit, and that due to the traditional time lag in negotiations, it should be subject to reopener discussions so that it may be negotiated out of the Agreement once the funds are repaid.

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### POSITION OF THE UFT

The UFT asserts that the Employer's position is not properly before this Panel, that it was not raised until after impasse was declared, that its request for a reopener as of 1996 is inconsistent with the 39 month duration established by the coalition settlement and the four year contract proposal by the UFT. It notes that the Agreement provided the mid-winter recess as a permanent benefit, that there was no sunset language as in other provisions between the parties, and that the Employer's request should be denied.

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### DISCUSSION

This most recent of the parties' agreements entered into in January 1991 did not specify whether the mid-winter recess was to expire at the completion of the payback or continue permanently thereafter. Inherent in the collective bargaining of agreement for finite periods is the recognition that all benefits and

provisions whether intended to be temporary or permanent are open to renegotiation by the parties. In the absence of any sunset language or reopener provision in that January 1, 1991 Agreement, that, we believe, was also the intention of the signatories thereto. At the very least, they had no evident meeting of the minds to the contrary.

Accordingly, we recommend that the issue be considered as are all others in dispute between the parties in their next contract negotiations, and that this proposal be withdrawn.

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## RECOMMENDATION

The Board/City proposal for a reopener on the mid-winter recess should be withdrawn.

Respectfully Submitted,

Arnold M. Zack
Chair

Eli Rock
Member

Herbert Fishgold
Member

September 6, 1991

WAIVER # 1 - STAFF SELECTION

The P.S.1 SBM/SDM team and school community have worked continuously in the past few years to develop a philosophy and set up goals for our school. We therefore feel that it's imperative that all school staff agree with this philosophy and can demonstrate the ability to achieve these goals in the classroom.

We would like to have the option to select those people who fit in with the goals and philosophy of our school if faced with having to place excessed personnel from other schools or fill a new vacancy.

IV. List the staff who will be affected by the proposed waiver (by name, title or group, as appropriate).

The prospective candidates affected would be only those on the excessing list or any new staff to be hired.

V. Explain how you will implement the proposed waiver using your existing resources.

We would implement this proposal with interviews by the SMB/SDM team and/or staff members whose programs would be affected and by review of written references.

WAIVER # 2

Consolidating the SBM/SDM and Consultation Committees

The P.S.1 SBM/SDM team and school community have worked continuously in the past few years to develop a philosophy and set up goals for our school.

We would like to have one policy making committee in order to work collaboratively toward our goals. This brings unity and focus to our goals. We will model for our children how we work together by bringing together all constituencies including teachers, parents and administrators. We need one unified group that sets educational policy on all issues that affect our school.

IV. List the staff who will be affected by the proposed waiver (by name, title or group, as appropriate).

All school staff especially those who are on the Consultation Committee and SBM/SDM Committee.

V. Explain how you will implement the proposed waiver using your existing resources.

The committee will be formed by volunteers of from 12 - 14 members. If there are more volunteers than slots, then members will be chosen from people who make a commitment to attend meetings regularly and fit the criteria for members of the SBM/SDM team.

WAIVER # 3 -

Assignment of Personnel

The P.S.1 SBM/SDM team and school community have worked continuously in the past few years to develop a philosophy and set up goals for our school.

We would like to have the ability to place staff members who have demonstrated that they are best suited to the educational needs of the children in programs we have designed. We would like to be able to utilize the strengths and talents of these people- regardless of seniority- so that it will have a positive educational impact on the school.

Those placed in these positions would have prior knowledge about the program and/or have the option for input in it's development

List the staff who will be affected by the proposed waiver (by name, title or group, as appropriate).

All Staff

Explain how you will implement the proposed waiver using your existing resources.

The SBM/SDM team will set up the criteria and make recommendation to the principal for the selection of the person who can best serve the needs of the children. This may entail overriding certain contractual items, such as seniority in order to find the most qualified for the job.

WAIVER # 4

Flexibility of Choice

The P.S.1 SBM/SDM team and school community have worked continuously in the past few years to develop a philosophy and set up goals for our school.

We would like to see that people who repeatedly show that they're not buying into the philosophy and goals of P.S. 1 have an option to move to another school regardless of seniority.

List the staff who will be affected by the proposed waiver (by name, title or group, as appropriate).

Staff seeking transfers

Explain how you will implement the proposed waiver using your existing resources

We would work in cooperation with the Personnel Dept. at the District Office to find vacancies appropriate to the talents, abilities and philosophy of the staff members seeking a transfer.

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